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No. 7

Senate

The Senate met at 10 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord God Almighty, You have made all the people of the Earth for Your glory, to serve You in freedom and peace. Today, as our lawmakers seek to serve, give them a zeal for justice and the strength of forbearance, that they may accomplish Your purposes. Let them feel the constancy of Your presence, as You guide them with a higher wisdom. May each success prompt them to greater undertakings for human betterment. Lord, renew their commitment to pray not only for those with whom they agree but also for those with whom they disagree. Bring our Senators to the end of this day with their hearts at peace with You.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,

PRESIDENT PRO TEMPORE,

Washington, DC, January 13, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, there will be a period of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each. The majority will control the first 30 minutes, and the Republicans will control the final 30 minutes. Following morning business, the Senate will resume consideration of S. 22, the wilderness bill. Yesterday, I filed cloture on the bill. The cloture vote is expected to occur an hour after the Senate convenes tomorrow. We will be in recess today from 12:30 p.m. until 2:15 p.m. for our weekly caucus luncheons. The filing deadline for first-degree amendments is at 2:30 p.m. today.

Mr. President, I have had a discussion with Senator BINGAMAN this morning. He is going to see if there is something that can be worked out to have a limited number of amendments on the wilderness bill. He will proceed to work on that. If, in fact, he can work something out with those interested on the other side, then we will have a number of votes on that. If they cannot work that out, then, as has been indicated in the past, we will go to cloture tomorrow. If we can work something out there, we can have those votes today and final passage of the bill this afternoon.

We are going to move to the Ledbetter issue dealing with pay eq-

uity, the statute of limitations—call it whatever we wish. That is something we will move to this week. The Troubled Asset Relief Program, TARP, is now here with us, and there is a very strict deadline when we must finish that. We must have a vote on that by this Sunday. So we have our work cut out for us. We have a lot to do.

These are very exciting times, as we know, for our country. We have a new Congress. We have a new President. Senator MCCONNELL and I have done our utmost during these past many weeks to try to work together to get some things done here. We are now at a point where we have resolved, we believe, the issue relating to how committees are funded and what the ratios are going to be on the various committees, and it is easy for me to say that or Senator MCCONNELL to say that, but it has taken weeks of work to get that done. But we are moving forward. We hope the work of this next week will be in keeping with how we intend to maintain a degree of bipartisanship in the Senate during this Congress. We hope that, in fact, is the case. We will do our utmost to comply with that.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

WORK OF THE SENATE

Mr. MCCONNELL. Mr. President, a couple brief observations with reference to what the Democratic leader just indicated. I want to say I appreciate the way in which we are going forward here. When he and I first came to the Senate, the notion that you would pass bills without amendment was foreign to everyone. I think we are getting off to a good start here with a kind of reestablishment of the Senate as it used to operate with amendments

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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being appropriate. As members of his party said when they were in the minority, the Senate is not the House. I think there is a growing appreciation on both sides of the aisle that we ought not to operate that way.

With regard to the organizing resolution, I agree with the majority leader that we are very close to being ready to move forward on that. It is a difficult process for the two of us, but I think we have gotten close to being at a point of completion, which is, of course, essential to beginning our business.

TARP

Now, on another matter, Mr. President, a few months ago some of our Nation's top economic minds came to the Capitol to tell us about an impending crisis. The crisis, of course, was the accumulation of toxic assets at banks here and around the world that threatened to paralyze America's economy, jeopardizing the livelihood of literally millions. Without action, we were told, the Nation faced certain calamity.

For many, the normal impulse would be to let the bad actors who caused this mess face up to their mistakes. But since millions of families and small business owners, who did nothing wrong, were caught up in the errors of the few, we decided, with some degree of reluctance, to approve funding for the Troubled Asset Relief Program, now commonly referred to as the TARP.

Fearful of waste and abuse, Republicans insisted on a number of taxpayer protections. We also insisted on releasing the money in two installments so we could review how the first one was spent before approving the second. Yesterday, a request for the second installment was made. I had an opportunity to talk to the incoming President about that matter yesterday.

Throughout this ordeal, I have not wavered on one basic principle: I voted for the first installment on the condition that it be used to prevent a systemic—a systemic—economic collapse affecting every single American. And I continue to believe this money should be used for the reason it was first approved. The current administration, regretfully, used these funds for the auto industry, a move I opposed. Now congressional Democrats are suggesting more of the same. The American people still do not have assurances that this money will not be wasted or misused to play favorites.

So far, the incoming administration has not said whether it plans to limit the funds to their original purpose or to expand their use to help specific industries. The taxpayers are eager to hear the new administration's plan, and so are Republicans in Congress. We will hear from the incoming administration soon. We will be happy to listen. They will have a receptive, albeit cautious, audience.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate shall proceed to a period of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled by the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KYL. Mr. President, I ask unanimous consent that all the remaining time on the Democratic side be reserved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MINNESOTA SENATE ELECTION

Mr. KYL. Mr. President, I wish to speak briefly about the contest in Minnesota involving the Senate seat currently held by Senator NORM COLEMAN. Obviously, the other new Members of the Senate were sworn in last week, but this seat remains empty, a winner yet undeclared.

To be clear, under Minnesota law, that is the way it has to be right now because there is an election contest that has been filed in the courts, and under Minnesota law, therefore, neither the Secretary of State nor the Governor can declare the seat filled.

Senator COLEMAN had been declared the winner on election night and through the ensuing administrative canvassing process. But throughout the following State Canvassing Board stage of the proceedings, there were numerous inconsistencies and problems uncovered, and the board-certified totals were different. They are, obviously, at issue, and they are preliminary.

The Minnesota State Canvassing Board totals, for example, include more votes than voters in a significant number of the Minnesota precincts. So, clearly, there is something wrong, and it has to be resolved by the court.

The Coleman campaign has followed Minnesota election law in filing an election contest, and that comes before a three-judge panel in Minnesota before the end of this month.

The contest is based on significant errors. I wish to mention four of these

categories so folks will understand what is at issue.

First is newly discovered ballots which appeared for the first time during the recount and are included in the State Canvassing Board totals.

Second is missing ballots supposedly tallied on election night but which could not be found during the recount process—obviously a problem.

Third is double-counting of duplicate and original ballots of the same voter during the recount process.

Fourth is wrongly rejected absentee ballots and inconsistent standards regarding what constitutes a wrongly rejected absentee ballot applied in different locations throughout the State.

Let me discuss each of these briefly in turn.

On the newly discovered ballots, there are 171 such ballots that appeared without explanation several days after the election in Ramsey County precinct Maplewood P6. Election officials were unable to reconcile the number of votes cast with the number of voters signed in, but the board, nevertheless, included the additional votes in Al Franken's favor in its totals. Furthermore, the board directed that this issue should properly be dealt with during the contest phase, and that, of course, is now occurring.

On the missing ballots, there were 133 ballots in Hennepin County that could not be found during the recount and were declared "missing," despite the fact that there are any number of possible reasons for the change, including the possibility that the ballots never existed in the first place. But instead of following a consistent standard and including the new recount total, the board reverted to election night totals, again resulting in more votes for Al Franken.

On the double-counting, in at least 25 precincts in Minnesota, there are more votes than voters in the Canvassing Board's totals, and there are 150 separate incident logs prepared by local recount officials describing issues involving duplicate and original ballot counting. This is due to the counting of both the voter's original ballot and a duplicate ballot which was created to take the place of the original ballot, resulting in double-counting of some votes when both of those ballots are included in the total. That is, obviously a blatant error and one that threatens the sanctity of "one person, one vote." Obviously, most people get one vote. Those who got more than one vote have an advantage for whom they cast their ballot.

Both the Canvassing Board and the Minnesota Supreme Court directed the issue to be dealt with during the election contest. So that issue is now being dealt with.

Finally, on the category of wrongly rejected absentee ballots, during the recount process, a "fifth pile" was created for absentee ballots that were rejected but not because one of the four reasons stipulated by Minnesota election law. This fifth pile was requested

by the Franken campaign at the time they were trailing in the count, and the Canvassing Board granted the request without issuing any direction to ensure consistency among the counties in their review. A vast number of these ballots, which happened to generate more votes for Franken, were included in the Canvassing Board total. However, the board also refused to review over 160 ballots requested by the Coleman campaign.

We can see there are obviously some issues to be resolved. The three-judge panel will be appointed. The campaigns will convene with the panel, set forth the ground rules for the election contest trial, and then that will occur.

There are no stipulations for when the proceedings must be completed, and estimations are, at least from folks in Minnesota, that it could take a month, if not more.

As a part of that context, the Coleman campaign has requested the review of hundreds more ballots that may have been wrongly rejected. Because of the size of the pool of ballots to be reviewed and the erroneous recount totals including questionable votes for Franken, Senator COLEMAN has expressed confidence that the numbers will revert back to where they were on election night and his lead will be restored and then he would be declared the winner.

Obviously, this is for the Canvassing Board and the court in Minnesota to resolve. It is not for us to prejudge the result at this time. Unfortunately, the majority leader and his staff have publicly stated they would try to seat Al Franken while the contest is still proceeding, despite the fact there is not a signed certificate, which is required of every Senator. This dates back to 1884. This action, of course, was blocked, and we presume the process will continue in regular order to await the result of the proceedings.

It is true Al Franken attempted to declare himself the winner. Yesterday, the campaign requested the Governor and Secretary of State send him a certificate so he could be seated. But it was, of course, not granted because both officials indicated correctly that would directly violate State law.

So we are left with the matter of a vacancy in Minnesota, with the issue to be resolved by the people in Minnesota, properly under their law, the Canvassing Board, and the three-judge court. For my part, I certainly hope this phase will not fall prey to inconsistencies and problems that have led some experts and newspaper editorials to claim the election process needs to be fundamentally reformed. If it is done in the proper way and due care for the evidence that is presented, then hopefully everyone will be satisfied with the result and willing to abide by that result. It will then come to the Senate, and we will seat the appropriate candidate.

The Republicans ask for nothing more. We are certainly hopeful our

former colleague and soon-to-be current colleague, Senator COLEMAN, will resume his seat. But that is for the process in Minnesota to determine, not for that to be determined in some arbitrary way in the Senate.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Mr. President, how much time is reserved for this side of the aisle?

The ACTING PRESIDENT pro tempore. There is 7 minutes 40 seconds.

Mr. LEAHY. I thank the distinguished Presiding Officer, my good friend from Montana.

JUSTICE DEPARTMENT REPORT

Mr. LEAHY. Mr. President, today we received a report from the Department of Justice's Office of the Inspector General and Office of Professional Responsibility about their investigation of allegations of politicized hiring and other improper personnel actions in the Civil Rights Division.

I held hearings on this situation. At the time, there was a Mr. Bradley Schlozman who testified. I stated, at the time, that I did not find his testimony credible.

Today's report confirms some of our worst fears about the Bush administration's political corruption of the Justice Department. Not only did senior Republican appointees violate Federal law by hiring based on politics in the Civil Rights Division, they also lied about it. Indeed, they lied about it under oath when they were called to explain themselves to Congress.

I am particularly disturbed about the findings that a senior Justice Department appointee, a very senior Justice Department appointee, Bradley Schlozman, made false statements under oath when appearing before the Senate Judiciary Committee. Lying to Congress undermines the very core of our constitutional principles and blunts the American people's right to open and transparent Government. It is one thing to have a witness come and say they disagree with the Members of Congress. That is fine. Everybody has a constitutional right to do that. Nobody has a right to lie under oath. Nobody has the right to break the law. And certainly a senior member of the Justice Department should not be able to consider himself above the law.

Not only did Mr. Schlozman lie to me and the Committee, but he then refused to cooperate with the Justice Department's own internal oversight offices' investigation into illegal hiring practices in the Department's Civil Rights Division. The clear determination that he broke the law corrodes our trust in our system of justice and in the Nation's top law enforcement agency. If somebody can break the law in our Nation's top law enforcement agency, the Department of Justice, what does that say to the rest of Americans? His actions, in fact, undermine the very mission of the Department's Civil

Rights Division, which is charged with enforcing Federal law and prohibiting discrimination.

A strong and independent Civil Rights Division has long been crucial to the enforcement of our precious civil rights laws, and experienced and committed career attorneys have always been the heart and soul of that Division. In the past, the people who worked there, no matter how much time you spent with them, you wouldn't know if they were Republicans or Democrats. All you would know is that these folks, who are among the brightest and best lawyers in the country, are dedicated to serving the United States of America and upholding our laws.

Contrary to those traditions, however, which we have had in both Republican and Democratic administrations, this report details troubling revelations of political appointees who marginalize and force out career lawyers because of ideology, and, corrupt the hiring process for career positions. It should come as no surprise that the result, and of course the intent, of this political makeover of the Civil Rights Division has been a dismal—a dismal—civil rights enforcement record.

This report is just one of the final chapters in the regrettable legacy of the Bush administration at main Justice, and it reinforces the need for new leadership.

Now, more than ever, it is necessary to confirm new leadership at the Justice Department, starting with Attorney General-designee Eric Holder.

I compliment the Department's Office of Inspector General. They did not allow politics to stand in their way. They went and investigated this situation.

I do wish the current U.S. Attorney's Office, appointed by this administration, had decided to prosecute someone for these deplorable acts. I think the only way you stop such blatant criminal violations, especially by people who know better, people who are sworn to uphold the law, is that they know they will go to jail for breaking the law. That is what should have been done. They broke the law in the Bush administration, and the Bush administration decided not to prosecute, and I think that raises real questions. Prosecution should be done no matter who breaks the law.

I recall one of the people who testified in that same investigation who said: We swear an oath to President George Bush. I said: No, you swear an oath to uphold the Constitution. Mr. President, that Constitution is the Constitution you are sworn to uphold and I am sworn to uphold. It is a Constitution that reflects all Americans. The Government is not of a person; indeed, whether you support an individual or not, the Government is for all Americans. The Constitution is for all Americans. When somebody deliberately, purposely, sets out to subvert the Constitution of the United States

and then lies about it—lies about it, Mr. President—I find that a heinous crime.

When we see some child who steals a car, they will be prosecuted, as probably they should. But when you have a key member of the Department of Justice who lies under oath, who subverts the Constitution of the United States, that is all the more reason to prosecute that person. What Mr. Schlozman did was reprehensible, it was disgusting, and it was wrong, but it also contradicts the very core of America's principles.

The distinguished Presiding Officer, like me, had the great opportunity to serve as a prosecutor, and I have every reason to believe he did not show fear or favor when he brought a prosecution, as I did not. I did not show fear or favor. Most prosecutors do not. Yet here we have somebody who is part of the Justice Department lie under oath and do it in a way to cover up and subvert the very laws that protect all of us. Our civil rights laws are on the books to protect all of us. It protects all of us—White, Black, brown—no matter what our race, our creed. It protects all of us.

What has marked this country since the time I was a young lawyer in the 1960s has been our adherence to those civil rights laws. We can't go back to a time where they are enforced for some and not for others.

Mr. President, I hope people read—I will not put it in the RECORD because it is available—this investigation of allegations of politicized hirings and other improper political actions in the Civil Rights Division of the Department of Justice. It is chilling. I am going to suggest that every new person coming into the Department of Justice read this investigation. It is a handbook—not of what to do—but a handbook of what not to do.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LIEBERMAN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. VITTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TARP

Mr. VITTER. Mr. President, yesterday, President Bush announced that he was sending to Congress formal notice regarding use of the second half of TARP, the Troubled Asset Relief Program. As you know, under that legislation, which Congress passed over my objection last year, once \$350 billion of the fund—half of the fund—is spent, and the administration wants to begin spending the second half of the fund—the second \$350 billion—the President has to formally notify Congress. Under the program, Congress has the oppor-

tunity to basically veto moving forward by affirmatively having to pass a resolution of disapproval.

Again, President Bush took that first step of formally notifying Congress yesterday and today.

I come to the Senate floor to announce that I am introducing a motion of disapproval, and I encourage my colleagues, Democrats and Republicans, to think very seriously about this matter and to join me in this motion of disapproval. In doing so, I am immediately joined by several colleagues, and I want to thank Senators BUNNING, SESSIONS, DEMINT, BARRASSO, and INHOFE for being original cosponsors with me of the resolution of disapproval.

When we debated this very important matter on this floor several months ago, I expressed serious concerns. I will not go through my comments then or my concerns, but unfortunately, sadly, many of them—virtually all—have been proven true. The history of this program—the Troubled Asset Relief Program—has indeed been very troubled, very concerning, and it raises far more questions and hesitations than it provides answers for our ailing economy. So as we revisit this issue, I cannot support moving forward with this very troubled program, primarily for five reasons.

First among those reasons is the most fundamental test we should bring to the matter: Has the program worked? I think it is very clear it has not worked. The purpose of the program was to ease the credit crisis. The entire focus of the program was to get credit on the streets of the American economy, to provide reasonable credit to consumers and businesses. Yet our economy is still gripped by a real credit crunch. So that fundamental purpose of the program, that fundamental test of the program has simply not been met.

Now, Mr. President, in this new year, and under the new administration, we are going to debate and act on other measures, particularly the stimulus plan, a stimulus plan which will spend upwards of \$1 trillion that President-elect Obama has talked about and begun to outline. Certainly, we must act on the economy. Certainly, we are in a very serious recession. Almost certainly, it is the most serious, the worst since World War II, and, certainly, the Federal Government needs to help lead the way, to be a big part of the solution to get us out of this deep financial recession. But as we move to a \$1 trillion stimulus program, why are we going to simply continue with a program that hasn't worked, spending another \$350 billion? Again, as we mount trillions of dollars of new deficit spending, deficits upon deficits, debt upon debt, surely we should think long and hard about continuing another \$350 billion of spending in a very troubled program which has not begun to meet its fundamental goal.

The second reason I would suggest we should not continue down this path is

that the entire program, as it was outlined to Congress, as it was explained to us by the Treasury Secretary and others, has never been implemented. It was thrown out the window even before it could begin to be implemented. As all of us remember, just a few months ago, when the Treasury Secretary proposed this idea before Congress, it was indeed supposed to be the Troubled Asset Relief Program under which the Government would buy troubled assets from a spectrum of financial institutions, get those assets off the books of the financial institutions, and make those institutions far healthier and far more able to extend credit to individuals and businesses across America.

That was the beginning, that was the middle, and that was the end of the program. That was what every explanation, every presentation was about as the Treasury Secretary, the Chairman of the Federal Reserve, and others came to Capitol Hill to explain this program over several weeks. It wasn't part of the program, it was the entire program. Yet within a couple of weeks of Congress passing the Troubled Asset Relief Program—again, over my objection—that plan was completely thrown out the window. Congress acts to pass a \$700 billion spending program, forging completely new ground in terms of economic policy and the Government's intervention in the market, and within a few weeks of that action, plan A is completely out the window and the Treasury Secretary sets about forming plan B and doing something fundamentally different than was presented to Congress.

I have suggested over the last several weeks, along with my colleagues, that alone should make the administration come back to Congress and get reauthorization for what is a completely new program. That, again, is my second reason we should not continue the TARP and continue going down this path and spending the second \$350 billion of this program.

The third reason I would offer is closely related to the second. As I said, within 2 weeks of Congress passing this legislation, the whole program changed. The entire concept of buying troubled assets was out the window, and Treasury had a brandnew plan, which was never presented to Congress and never discussed in any level of detail. So what has happened is, the TARP has become a veritable slush fund for the administration to do whatever it wants with it, to use it in whatever way it wants. After throwing the TARP idea out the window, Treasury came up with a capital purchase program to purchase preferred stock and warrants of certain institutions. It also established a systematically significant failing institution program, allowing Treasury to invest in any financial instrument, including debt, equity, or warrants determined to be troubled assets. Now Treasury says it "continues to explore other programs, including those focused on insurance, foreclosure

mitigation, consumer lending, and more.”

This program has no definition, it has no limits, it is whatever Treasury and the administration want it to be. It is a wide open slush fund for whatever the perceived need or want is of the moment. Of course, the best example of that is use of funds from this program for the auto bailout. After explaining for weeks that this program was not designed to do anything like the auto bailout, and use of these funds in an auto bailout would be completely inappropriate, the Bush administration then proceeded to use some of this money on the auto bailout. It is wide open. It has no limits. It has become a slush fund for whatever the administration believes it has to do at the moment. That is not a proper way to move forward in terms of remedying the economy.

Fourth, we should end this program, and we should pass my resolution of disapproval because there has been no accountability whatsoever on this program. Remember, we spent a lot of time debating accountability months ago when this matter was before the Senate and before the House. There were all sorts of promises about accountability. There were all sorts of protections put in the bill regarding accountability. Yet what has that produced? That has produced the biggest embarrassment in terms of a lack of accountability, at least since Hurricane Katrina, and that is saying a lot.

The GAO and other watchdog groups report that the Treasury Department—the Treasury Department in charge of this fund—cannot even tell us precisely how the first \$350 billion has been spent. Treasury doesn’t know, much less the watchdogs of other protections Congress was supposed to have put in place.

Now, we hear all sorts of promises and commitments from congressional leaders and leaders of the Obama transition that this is all going to change: There is going to be real transparency, there is going to be real accountability, and we are going to know where every penny goes. I don’t doubt for a minute the goodwill and the honesty of those pronouncements. I am sure the congressional leaders and folks in the Obama transition who say these things mean it and want it. The problem is, I think folks were equally as sincere a few months ago, and it produced absolutely nothing in terms of transparency and accountability and protection of taxpayers’ hard-earned tax dollars.

Surely we should demand more than another round of promises. Surely at a minimum we need to see exactly what the plans for the second half of TARP are before we decide this matter. Surely we need to see the details of any new accountability program. Yet we have seen none of that. Yet we are scheduled, in the Senate, to vote on this resolution within days without having any ability to see those plans, to see

those protections, to see those new accountability measures before the vote. We cannot accept that. We must pass a motion of disapproval and only consider continuing this type of program if it is represented to Congress with those protections, with those detailed plans.

Finally, my fifth and final reason for urging all of my colleagues to join me in this resolution of disapproval is that, at its very core, TARP is a dangerous, heightened intervention of the Government in the private sector.

Let me restate what I said a few minutes ago. We are in the midst of a horrible recession, which is still getting worse. It is almost certainly the worst recession since World War II. Clearly, the Federal Government needs to play a leadership role in helping the country and the economy turn the corner. I do not doubt that for a minute. But the sort of intervention of TARP and actions in the Treasury Department over the last several months are fundamentally different from any other economic policy actions we take here at the Federal level. It is picking winners and losers. It is getting involved, not in the direction of the economy but in individual companies, in individual potential bankruptcies, in individual mergers and deals and acquisitions. That is a level and type of intervention that is fundamentally different from broad fiscal policy, from broad monetary policy. It really is moving the line significantly in terms of Government intervention in the private sector.

Going back to our original debate here in the Senate, that was one of my most fundamental reservations from the beginning with TARP, that type of detailed intervention—and, by the way, the invitation for malfeasance and corruption that it can bring when Government bureaucrats are making very important life-or-death economic decisions regarding individual firms and individual transactions. I do not think we should continue down that path. I think that path is riddled, littered with mistakes and troubling actions by the Federal Government picking winners and losers, getting involved in individual companies in a very direct way—individual transactions, putting the hand of the Government in the boardroom in that sort of really unprecedented way.

I urge all of our colleagues, Democrats and Republicans, to think carefully about this issue. We had a significant debate when this first came to Congress several months ago, and we had several votes on the matter. Obviously, eventually it passed without my support. But since then, we have seen a lot, we have learned a lot, and a lot has changed. Since then, virtually all of the arguments against the program have been borne out and new concerns and new questions have arisen. They go to my five points. The program has not eased credit on the street. The entire premise of the program was thrown out 2 weeks after Congress passed it. No. 3, it has become a catchall slush fund and

the purpose and parameters of the program change week to week. No. 4, there has been no accountability; Treasury cannot even tell us today precisely how the first \$350 billion was spent. No. 5, at its core this program is about Government intervention in a way we have not seen before, picking winners and losers.

I urge my colleagues to join in this resolution of disapproval so we can start anew, so we can put new protections in place, so we can act on the economy but not simply continue down this path and spend another \$350 billion, adding deficit on deficit, debt on debt, without a clear, positive result for American families.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. CARDIN. Mr. President, I ask unanimous consent that morning business be extended for 15 minutes, equally divided between the Republicans and Democrats.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. Mr. President, I then seek recognition under morning business.

The PRESIDING OFFICER. The Chair is pleased to recognize the Senator from Maryland.

NOMINATION OF ERIC HOLDER

Mr. CARDIN. Mr. President, I am honored to serve on the Judiciary Committee in this body. The last couple of years have been very difficult years in how the Department of Justice has been managed. We have seen abuses of civil liberties in the name of trying to protect the rights of our citizens when we have abused the rights of our citizens; we found the Department of Justice tried to justify the use of torture in this country; the manner in which detainees were treated; the politicizing of the Department of Justice—I could go on and on.

I thank Eric Holder for being willing to serve the public once again as President-elect Obama’s nominee for the office of Attorney General of the United States. I think Eric Holder is the right person at the right time for the Department of Justice, and I hope his confirmation process will move forward.

We need an independent Attorney General. During the Bush administration, we found that they politicized the Department of Justice in the firing of U.S. attorneys and in decisions as to

whether to proceed with criminal investigations. The list goes on and on. Eric Holder has demonstrated throughout his entire career the type of independence we need in the next Attorney General of the United States.

Let me give you one example. When the Independent Counsel who was investigating the President of the United States asked for additional authority, Eric Holder was the one who made that recommendation to proceed even though it was not popular at all with the President of the United States. It is that type of independence that we need in the next Attorney General of the United States. He brings broad experience as former judge, former U.S. attorney, and from the private sector.

We need to take politics out of the Department of Justice. During the Bush administration, we found that politics was very much interwoven into the personnel decisions made within the Department of Justice affecting career attorneys. That was not permitted, but it was done. We need the next Attorney General to be one who will make sure politics has no place in those types of personnel decisions.

Again, Eric Holder's career has shown his willingness to carry out his responsibilities in a nonpolitical way. He has handled major public corruption cases as a U.S. attorney against both Democrats and Republicans. He understands the responsibilities of the Department of Justice.

We need our next Attorney General to reestablish the premier role of the Department of Justice in the Civil Rights Division. The Civil Rights Division historically has been the key agency to protect the civil rights of the people of this Nation. We need the next Attorney General to reestablish that in the Department of Justice. Once again, Eric Holder has demonstrated that sensitivity that will restore the role of the Department of Justice in protecting the voting rights of all Americans.

The list goes on and on and on. Bottom line, the next Attorney General must restore the reputation of the Department of Justice. I believe he is the right person, but it is not only me. Let me read from some of the record that has been presented to the Judiciary Committee.

Both law enforcement and civil rights groups support Eric Holder. The Fraternal Order of Police writes that:

Our members reported that they found Judge Holder and U.S. Attorney Holder an able and aggressive prosecutor.

The Leadership Conference on Civil Rights, which is a group of our major civil rights advocates in this country said:

Mr. Holder's various experience as a trial attorney, judge, prosecutor and lawyer in private practice make him uniquely qualified to run the Department of Justice. It would be difficult to find a candidate more experienced in the Department or better suited to lead it. His background will render him ready to lead the Department from day one. His even-mindedness and sound judgment will ensure that justice is dispensed

fairly and equitably. His professional accomplishments and ability to put partisan politics aside make him above reproach. His commitment to the rule of law makes him the ideal candidate for the nation's top prosecutor.

Now, that is the Leadership Conference on Civil Rights, which, again, is comprised of the premier groups in this country that are out there fighting for the rights of the people of this country.

I would also draw my colleagues' attention to a January 7, 2009, letter received by the Judiciary Committee from several former high-level Department of Justice officials in the Republican administration. They write:

We are pleased to be able to write in support of Eric Holder, a man who stands with the most qualified who have been privileged to be nominated to be Attorney General of the United States. President-elect Obama's nomination of Eric as the historic appointment of the first African-American Attorney General should be hailed as a milestone. He is an extraordinary lawyer and an even better person.

We need to move forward immediately in the leadership in the Department of Justice. I would urge my colleagues, let us move forward on the confirmation process as quickly as possible. I look forward to Eric Holder being the next Attorney General of the United States. I hope we will do that very shortly.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WHITEHOUSE.) The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator will suspend for one moment.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DESIGNATING CERTAIN LAND AS COMPONENTS OF THE NATIONAL WILDERNESS PRESERVATION SYSTEM

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 22, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 22) to designate certain land as components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes.

Pending:

Reid amendment No. 15, to change the enactment date.

Reid amendment No. 16 (to Reid amendment No. 15), of a perfecting nature.

Motion to recommit the bill to the Committee on Energy and Natural Resources, with instructions to report back forthwith, with Reid amendment No. 17, to change the enactment date.

Reid amendment No. 18 (to the instructions of the motion to recommit), of a perfecting nature.

Reid amendment No. 19 (to Reid amendment No. 18), of a perfecting nature.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. NELSON pertaining to the introduction of S. 22 are located in today's RECORD under "Statements on Introduced bills and Joint Resolutions.")

RECESS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 12:31 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

DESIGNATING CERTAIN LAND AS COMPONENTS OF THE NATIONAL WILDERNESS PRESERVATION SYSTEM—Continued

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ISRAEL AND GAZA

Mr. BINGAMAN. Mr. President, I am here today to speak about the growing violence in Gaza. I support the United Nations Security Council resolution calling for an immediate and durable cease-fire. In my view, both the Israeli airstrikes and the Palestinian rocket attacks must stop immediately, and Israeli ground forces should withdraw from Gaza. I regret that President Bush chose to have the United States be the only Security Council member not to support this U.N. resolution.

I ask unanimous consent that the full text of the U.N. resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BINGAMAN. Last week, the Senate responded to the hostilities by passing S. Res. 10, a resolution that I do not support. While I agree with some parts of the resolution, I believe it left out important provisions. The resolution called for Hamas to end the rocket and mortar attacks but it did not call on Israel to stop its airstrikes and ground assault. Nor did the resolution call on Israel to withdraw from Gaza. Moreover, I believe the resolution downplayed the humanitarian situation in Gaza. Thousands of people in Gaza do not have access to food, clean water, or medical care. The U.K. Foreign Minister, David Miliband, speaking about humanitarian conditions in Gaza said, "the word 'crisis', which is sometimes overused, is wholly appropriate" to describe how bad things are. He made that statement to describe how bad he saw that things are at this time.

I support Israel's right to defend itself. Israel has no stronger ally than the United States, and we have no better friend in the region than Israel. But friends can make mistakes.

The rocket attacks that Israel has suffered are unacceptable. But I believe Israel's use of force has been excessive and I do not believe it will help Israel achieve its long-term goals. Instead of weakening Hamas, the incursion is boosting support for Hamas both among Palestinians and the Arabic world and it is undermining support for moderates in the region. Instead of making Israel's enemies fear its military power, I believe this conflict shows its enemies that they can taunt Israel into reacting so strongly that it undermines its international support. Instead of rebutting the accusations that Israel has ignored the long-deepening humanitarian crisis in Gaza, the growing death toll and worsening living conditions will fuel similar accusations long into the future.

This violence is but another chapter of violence in the long history of the Middle East. What is needed is an international effort to broker an immediate truce and to build that into a lasting peace.

A lasting peace requires a two-state solution. It is hard to see how such an agreement can be achieved without the deep involvement and leadership of the United States. I have been disappointed that the Bush administration has failed to lead the peace process for the past 8 years. President Obama should not repeat that mistake after he takes office next week. He should appoint a special envoy to the region soon after his Secretary of State is confirmed by the Senate. President Obama should commit his administration to a steady and persistent effort to engage both Israelis and Palestinians in finding a political solution to the conflict that has long plagued this region.

EXHIBIT 1

RESOLUTION 1860 (2009)

Adopted by the Security Council at its 6063rd meeting, on 8 January 2009

The Security Council,

Recalling all of its relevant resolutions, including resolutions 242 (1967), 338 (1973), 1397 (2002), 1515 (2003) and 1850 (2008),

Stressing that the Gaza Strip constitutes an integral part of the territory occupied in 1967 and will be a part of the Palestinian state,

Emphasizing the importance of the safety and well-being of all civilians,

Expressing grave concern at the escalation of violence and the deterioration of the situation, in particular the resulting heavy civilian casualties since the refusal to extend the period of calm; and emphasizing that the Palestinian and Israeli civilian populations must be protected,

Expressing grave concern also at the deepening humanitarian crisis in Gaza,

Emphasizing the need to ensure sustained and regular flow of goods and people through the Gaza crossings,

Recognizing the vital role played by UNRWA in providing humanitarian and economic assistance within Gaza,

Recalling that a lasting solution to the Israeli-Palestinian conflict can only be achieved by peaceful means,

Reaffirming the right of all States in the region to live in peace within secure and internationally recognized borders,

1. *Stresses* the urgency of and *calls* for an immediate, durable and fully respected ceasefire, leading to the full withdrawal of Israeli forces from Gaza;

2. *Calls* for the unimpeded provision and distribution throughout Gaza of humanitarian assistance, including of food, fuel and medical treatment;

3. *Welcomes* the initiatives aimed at creating and opening humanitarian corridors and other mechanisms for the sustained delivery of humanitarian aid;

4. *Calls* on Member States to support international efforts to alleviate the humanitarian and economic situation in Gaza, including through urgently needed additional contributions to UNRWA and through the Ad Hoc Liaison Committee;

5. *Condemns* all violence and hostilities directed against civilians and all acts of terrorism;

6. *Calls upon* Member States to intensify efforts to provide arrangements and guarantees in Gaza in order to sustain a durable ceasefire and calm, including to prevent illicit trafficking in arms and ammunition and to ensure the sustained reopening of the crossing points on the basis of the 2005 Agreement on Movement and Access between the Palestinian Authority and Israel; and in this regard, *welcomes* the Egyptian initiative, and other regional and international efforts that are under way;

7. *Encourages* tangible steps towards intra-Palestinian reconciliation including in support of mediation efforts of Egypt and the League of Arab States as expressed in the 26 November 2008 resolution, and consistent with Security Council resolution 1850 (2008) and other relevant resolutions;

8. *Calls* for renewed and urgent efforts by the parties and the international community to achieve a comprehensive peace based on the vision of a region where two democratic States, Israel and Palestine, live side by side in peace with secure and recognized borders, as envisaged in Security Council resolution 1850 (2008), and recalls also the importance of the Arab Peace Initiative;

9. *Welcomes* the Quartet's consideration, in consultation with the parties, of an international meeting in Moscow in 2009;

10. *Decides* to remain seized of the matter.

Mr. BINGAMAN. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MARTINEZ. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. McCASKILL.) Without objection, it is so ordered.

TRIBUTE TO NAVY SECRETARY DONALD C. WINTER

Mr. MARTINEZ. Madam President, today it gives me great pleasure to pay tribute to an outstanding leader and tremendous public servant, Navy Secretary Donald C. Winter.

When Donald Winter was sworn in as Secretary of the Navy on January 3, 2006, he was charged with training, equipping, and organizing our sailors and marines in a time of war. He assumed these responsibilities at a time when the U.S. Navy was in the midst of an ambitious modernization program across the board. A new class of destroyers, aircraft carriers, submarines, cruisers, and others was in the production pipeline. It would take an extraordinarily talented, knowledgeable, and energetic leader to navigate the Department of the Navy through these transitions. We were fortunate to find such a person in Donald Winter. He was that kind of a leader. He immediately outlined his priorities and then set to work on implementing them: Prosecute the global war on terror; build the future fleet; take care of our wounded and their families. Those were his priorities, and each day he drove the Department to focus on these areas.

With 25,000 marines and 36,000 sailors in Iraq, Afghanistan, and elsewhere in the Central Command's area of responsibility, the Navy and Marine Corps have been playing a critical role in fighting this war. From providing maritime security in the Northern Arabian Gulf, to turning around a seemingly hopeless situation in al-Anbar Province, to providing individual augmentees on the ground in Iraq, our sailors and marines have been on the front lines and have been performing superbly. These sailors and marines have always been foremost in Secretary Winter's mind, and they are the ones he has worked tirelessly to support in every way possible on Capitol Hill, within the Pentagon, and throughout the Department of the Navy.

While supporting our brave warriors in harm's way, Secretary Winter also focused on building the future fleet by instituting the most far-reaching acquisition reforms in decades.

I had the pleasure of traveling with Secretary Winter to Guantanamo Bay in Cuba in May 2007. It was my second time returning to this island since my arrival here in 1962. What I saw was the tremendous leadership ability he possesses and his firm commitment to the men and women of the U.S. Navy.

I would also commend Secretary Winter for his tireless efforts to ensure that our Nation is doing everything in our power to take care of our wounded. Secretary Winter has been an outspoken and relentless advocate for our wounded warriors, insisting on the highest possible standards for every sailor and every marine.

So on behalf of the men and women serving under him in my home State of Florida, I salute Secretary Winter for his superior performance in leading the Navy and Marine Corps over the past 3 years. We wish him Godspeed in his future endeavors, and we thank him for his service to our Nation.

SITUATION IN ISRAEL

Mr. President, the first and most sacred duty of any government is providing for the safety and security of its citizens.

Hamas's repeated rocket attacks on the Israeli people created a situation that required an Israeli response.

I was pleased to join my colleagues in cosponsoring S. Res. 10, which recognizes Israel's right to defend itself against attacks from Gaza.

While diplomacy is always a preferable alternative, at some point any legitimate government must take the necessary actions to safeguard its people from acts of terrorism against an unarmed civilian population.

With more than 6,000 rocket attacks launched into Israel from Gaza, the Israeli government acted reasonably in an effort to end the attacks against civilian targets.

These attacks are Hamas' latest attempts to advance their cruel and murderous agenda.

Hamas first began as an offshoot of the Muslim Brotherhood, a terrorist group responsible for the assassination of Egypt's President Anwar Sadat.

As you might recall, Sadat was the first Arab President willing to make peace with Israel.

Hamas has since claimed the lives of countless others throughout the region.

In 2002, a Hamas suicide bomber killed five Americans and four Israelis who were eating lunch in the cafeteria at Hebrew University in Jerusalem. The bomb was smuggled in a backpack loaded with shrapnel, which maximized damage to the cafeteria and inflicted severe injuries on more than 80 students.

Since coming to power politically in 2006, the terrorist organization has hijacked the Palestinian people's agenda.

They have cynically used their own people as civilian shields and brought harm to those who do not share their radical views. During the June 2007 coup in Gaza, Hamas operatives killed a cook of Palestinian National Authority President Mahmoud Abbas by throwing him from the roof of a 15-story building with his hands and feet tied. In the current conflict, they have fired rockets at their own people. On December 26, two Palestinian girls aged 5 and 13 were killed when a rocket fell short of reaching an Israeli target.

Hamas openly admits it uses women and children as human shields. One Hamas leader described this appalling practice by saying, "For the Palestinian people, death has become an industry. . . . This is why they have formed human shields of the women, the children, [and] the elderly."

Instead of investing in their own people's well-being, in roads, schools, and hospitals, they have instead invested in the cache of weapons they are using to cause death and destruction in Israel.

As a result, Palestinians are suffering. They have limited access to basic needs such as food and medicine. Their free speech has been suppressed through violence. And their right to freely practice religion has been replaced by a strong-armed enforcement of a radical brand of Islam.

The largest beneficiary of Hamas's weapons purchases has been Iran, which has aided Hamas by training terrorists and offering advice in making deadly explosives and long-range rockets. Throughout the conflict, Hamas has turned into a Hezbollah-like Iranian proxy by threatening Israel from the south. Iran's willingness to embolden terrorist organizations like Hamas poses a serious threat not only to Israel, but also the United States.

While Iran's influence has been plainly apparent across the Middle East, they have surreptitiously worked to advance their anti-American agenda in our own hemisphere. In recent years, Iran has aggressively increased its Latin American presence by working with the leaders who have found a commonality in the Iranian President's radical ways.

Iran and the regimes of nations like Venezuela and Cuba may not share a common border, but they share an anti-American agenda that poses a tremendous risk to our Nation's security.

Iranian President Mahmoud Ahmadinejad first visited Venezuela in 2006 and has since returned to visit the leaders of Cuba, Nicaragua, and Bolivia. He has also hosted Latin American leaders in Tehran.

As a result of these meetings, Iran has entered into several economic and political agreements, including plans to finance new progovernment television and radio stations in Bolivia and countries throughout the region. These agreements help to fan the flames of anti-Americanism, which persists throughout the region.

The government of Argentina recently revealed they received \$1 million from the Cuban regime to pay for anti-American protests during President Bush's visit there in 2005. Cuban families could have used that money for food, but instead it was wasted on furthering the regime's anti-American agenda.

What has been lost on these Latin American leaders is the larger conflict at hand.

Iran is heavily invested in a conflict that has claimed the lives of countless innocent civilians, and they will stop

at no cost, continuing to aid in the destruction of American allies.

For our Nation, the next few weeks will be historic, but critical.

I am anxious to hear about President-elect Obama's plan to address the Israeli-Palestinian conflict, and I am hopeful his administration will continue to reaffirm the U.S.'s historic commitment to the people of Israel.

I am also hopeful the administration will continue efforts to persuade Syria to stop yielding to Iran's devious demands. Syria must understand that Iran's interests do not serve the interests of the people of the Middle East.

Egypt has taken significant measures in trying to stop Hamas's smuggling of weapons and militants from Egypt into Gaza, but they must do more.

One proposal I support deploys an international force of military engineers to monitor and destroy the tunnels along the Egyptian border near Gaza.

I would also encourage the new administration to continue working vigorously with the European Union, Russia, and the United Nations on the U.N.-sanctioned "Annapolis Process" to achieve a final status agreement between Arabs and Israelis that includes a viable, democratic Palestinian state living in peace with Israel and its neighbors.

And finally, I hope to see further progress in our efforts to train the Palestinian Presidential Guard led by U.S. General Keith Dayton.

Although the recent outbreak of violence in Israel is troubling, I am hopeful a new cease-fire agreement can be reached very soon.

A true cease-fire with Hamas should include a guarantee for no more rockets and safeguards against rearming.

Both sides will soon realize that further loss of innocent life is too great a cost, and peace and security is the only viable way forward.

I look forward to working with my colleagues on the Armed Services Committee and the new administration to find a way forward in Israel and ensure a plan for peace in the future.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The assistant legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Madam President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

GUANTANAMO BAY DETAINEES

Mr. BROWNBACK. Madam President, I rise to speak today about a topic that is in the news, is important, and has to do with an area of Leavenworth, KS, very near the Presiding Officer's State, and in my home State, about the issue of the Guantanamo Bay detainees.

My simple point on this issue is, there is a very strong push—and I understand that push, and it is one that has been going on for some period of time—to close Guantanamo Bay. I would simply make the point we should not attempt to force-fit detainees where they do not belong and where it does not fit. I do not believe the new administration can look my constituents in the eye and say to them they are going to be safe with detainees at Fort Leavenworth as they are with military prisoners at Fort Leavenworth, and particularly not with what we are talking about from Guantanamo Bay.

I have invited President-elect Obama and his team to come to Leavenworth to look at this facility, to see if this is something that could fit and work. I do not believe it does at all. But I have invited them there to come and to look and to make their own assessment.

I further call on the incoming administration to conduct a thorough study—a thorough study—of all possible locations where detainees could be transferred. The study must seriously assess the legal and security requirements for detainees, as well as the impact on the areas surrounding a proposed detainee location.

In the end, I believe the detainees will probably need to go to one of three types of places: overseas, either in the custody of foreign nations or at U.S. military facilities abroad set up for these types of detainees we have at Guantanamo Bay or on military land or at facilities previously closed or scheduled to be closed under the BRAC process, the Base Realignment and Closure Commission, or into a new facility specifically designed for these detainees.

The administration is projecting they are going to sign an order right off when coming into office that is going to close Guantanamo Bay. I am asking them, in looking at my State, in looking at the Disciplinary Barracks at Leavenworth, that they consider the nature of the facility, the nature of the detainee, and make a careful assessment as to whether this fits in this situation.

Let me describe for you a little bit the situation of the Disciplinary Barracks at Fort Leavenworth, KS. Fort Leavenworth is a small facility. It is roughly 8 miles by 8 miles. It is a primary mission facility for education in the military. It is the Command and General Staff College for the military, for the Army. They do an outstanding job of that. They do an outstanding job not only for the U.S. military—particularly for the Army—they have all branches of the services that come there to be trained, but they also have, at any one time, students from 90 different countries at this facility.

I recently spoke at a graduation exercise there with a number of students who were coming out of a program, and the President of Uganda was there because his son was graduating from this

program. One of the key problems with relocating the detainees from Guantanamo Bay to Fort Leavenworth is that a number of Islamic countries will not send students now to Fort Leavenworth if detainees are being held there who they don't believe should be detained in the first place. Then you start to break these military-to-military ties that have been so important for us to be able to work in concert with—places such as Saudi Arabia or Kuwait or the good work we have been able to do in some cases back and forth in Pakistan, although not nearly enough. We need to do a lot more—and better. But if you break that tie, where you are training these military officers side by side and then building relationships that work back and forth and then you start moving toward: Well, the Saudis aren't going to send anybody to the Command and General Staff College in the United States because detainees who they believe in their countries shouldn't be held are being held in the same facility that is an 8-square-mile facility. Then the Kuwaitis don't do it and the Pakistanis don't do it and you start breaking these types of ties.

The major purpose of Fort Leavenworth is education, not discipline. Then there is the problem with the nature of the Disciplinary Barracks itself. It is primarily a medium disciplinary facility at Fort Leavenworth, not maximum. We do not have the space to be able to contain all the detainees from Guantanamo Bay. We don't even have enough space to contain what would be referred to as the worst of the worst from the Guantanamo Bay facility at the Disciplinary Barracks at Fort Leavenworth. Plus, it is against the law to mix a U.S. military population, where we have had people from the U.S. military who have committed a crime and they are being held at the Disciplinary Barracks—you cannot mix that population under law with a population of foreign detainees. That is against the law. It is against conventions we have entered into. So there is that legal hurdle that is there as well.

Now let me further describe the facility. It has a major railroad that runs through it. It has a train coming through on a regular basis 10 to 15 times a day. The security concern that raises of moving detainees from Guantanamo Bay—very high visibility—to the middle of the country but a place where people could try to spring them, are they going to use the railroad track? Are they going to try to bomb or put bombs in the railroad coming through? It is a real problem. We don't have an exterior fence. We have the Missouri River, but that is fairly navigable to be able to move across for a terrorist population or somebody who is trying to get into the perimeter of the facility to make it through. So we are not set up that way. It is within a major urban area of Kansas City. Kansas City straddles both the Kansas and

the Missouri side. Leavenworth is on the edge of that, on the northern edge of that Kansas City complex. So you are moving the detainees from Guantanamo Bay in a confined facility away from major urban areas and right into a major urban area in the United States. That doesn't make much sense. It is going to be very difficult to do. It is going to be impossible to do. And then to look my constituents in the eye and look the constituents of the Presiding Officer in the eye and say: You are going to be as safe as if you have military detainees.

We are used to handling the prison population at Leavenworth. We have a multiple set of facilities. We have a Federal penitentiary, we have a State penitentiary, we have a private penitentiary, and we have a military penitentiary. The community is very well adapted to be able to handle prison populations. It does it very well. But the community does not want this population because they say we are not set up to be able to handle this population. I think this is a community that does not say not in my back yard because they have been willing to take prisoners for some period of time. They are just saying they are not set up for this prison population in our back yard. We can't handle this.

For all these reasons, I would urge the administration—the incoming Obama administration—to take a very hard, serious scholarly view of what it is you can do with the Guantanamo Bay detainees. I would ask them to take a very serious look at the logistical problems of Leavenworth.

I know a number of the people who are involved at Fort Leavenworth are deeply concerned about the fact that they have a number of schoolchildren who are educated on the Fort Leavenworth military base, because at the Command and General Staff College, we get people assigned there for a year, 2 years, sometimes longer periods of time and families move there. We have schools we operate on the military base. We are deeply concerned about somebody coming in, wanting to make a statement and going into one of those schools and taking the children hostage.

I have seen situations where a number of people are put in harm's way for no good reason whatsoever, and seeing that this facility is not set up to be able to do this is one of them.

I have visited with people locally. I have a call scheduled with Secretary Gates. We have been putting this forward in legislative form in prior legislative sessions, and I will be in this legislative session as well to make this point. If it had been easy to close Guantanamo Bay previously, I am certain the current administration would have done it. It is a difficult task. But that doesn't mean that because it is a difficult task, then you do it fast. It means because it is a difficult task, you take your time and you do it right or you are going to create a lot more

problems down the road. This is one where I think the loss in this situation is far greater—far greater—than any gain we would get in closing the Guantanamo Bay facility, particularly in our relationship to Islamic countries.

I would plead with the new administration to look at this in a very serious and in a very clear and in a very analytical way, to make a wise decision that will stand for the future and not just create a huge set of problems for the future.

With that, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PRYOR). Without objection, it is so ordered.

THE ECONOMY

Mr. DORGAN. Mr. President, I have been interested for some long while about new technology and the Internet and all those related issues.

I recall reading a couple of years ago a statement by the former president of IBM in which he described the unbelievable leapfrog in technology and capability—most of it breathtaking. Most of us understand that because we use the Internet we can go anywhere in the world at our fingertips on the keyboard, but he described something breathtaking to me. He described the issue of storage density and the new capability of storage density. He said that we are on the cusp now of being able to reduce in storage density all of the works that exist in the Library of Congress—I think it is somewhere around 14 or 16 million volumes of work—which is the largest repository of human knowledge that exists anywhere on Earth; to be able to store that on a very small wafer the size of a penny.

Think of that: a wafer the size of a penny representing the storage device that contains the largest repository of human knowledge in history. Pretty remarkable.

Assume that you are able to walk around with a storage device the size of a penny in your jacket pocket which you can put into a computer and peruse all that human knowledge that has been gained since the start of human history. On that storage device would be a lot of information, but what wouldn't be on that storage device—of all the human knowledge accumulated since the beginning of time—would be how we get out of this financial mess that the country is now in. There is no formula, there is no rule, there is no experience that would give us a road-map of how we get from here to where we need to be to get out of this financial wreck.

We are indeed in a financial crisis. And the one thing that unites the smartest economists in the country or

the deepest thinkers or the latest self-proclaimed greatest sage and all the rest of us, the thing that connects us all, is none of us has ever been here before. We are all walking in the woods for which there is no map and all we have is a guess as to how we are to try to put this economy back together.

Now, some people say: Well, what does all that mean, this financial crisis? How do we understand that there is this wreckage occurring in the economy? Well, you can look at it a number of ways. You can look at the people who have been saving for a long period of time, investing their 401(k) in a mutual fund or in the stock market. After 30 years of work, they had a nest egg for retirement, but they have lost 40 or 50 percent of it, just like that. Half a lifetime of savings gone, like that. That is one piece of evidence. It is pretty dramatic for every family in this country.

But there is other evidence as well. And that evidence especially, it seems to me, describes the crisis in our families in this country. If you look at last month's unemployment report, it says, in a kind of a sanitary way, that 524,000 people lost their jobs. Well, what if you just say 523,999 and then focus on the one, just one person who had to come home, in most cases, and tell a spouse: You know what, I have lost my job today. No, I am not a bad employee. I have worked hard for that company for 10 or 15 years, but they laid employees off today. To that one family, that is 100 percent unemployment, and that is a disaster for that family. Think of it. Last month, over half a million Americans had that discussion some night around the supper table: What are we going to do?

And it is not just the half million people who lost their jobs last month or 2.6 million people who have lost their jobs since this recession started, and which has grown deeper; it is the hundreds of thousands and millions more who have not only had to say I have lost my job but who have had to say I have lost my house as well. It is pretty unbelievable.

This is an extraordinary country, with great strength, and an economic engine that has been the wonder of the world. No one in the world has done what we have done to expand the middle class and give everyone a feeling of opportunity. No one has done that. I have described before the unbelievable accomplishments of our country. We have survived the Civil War, survived a Great Depression, and we have been through two World Wars. We represent the beacon of freedom around the world. We have always been a country that represents hope.

I have been in so many parts of this world and asked people: What do you desire for your life? I remember being on a helicopter that ran out of gas between Nicaragua and Honduras in a mountainous area. We landed under power but we landed because we had no fuel, and campesinos from around the

region came to see who had landed in this helicopter. We were stranded for about 4 hours until we were found. We had an interpreter, and so during a discussion, through an interpreter, I asked a young woman, who walked up with others—she had about three or four children with her, probably in her early 20s—what do you aspire to do for you and your family? Oh, I want to come to the United States, she said. Why? Because the United States is where there is opportunity and freedom, she said. So in a discussion up in the mountains between Honduras and Nicaragua someone who had never seen an American understood America as a place for her and her family, a place of opportunity and freedom.

It is unbelievable what this place has represented to the rest of the world. We split the atom, we have spliced genes. As I have said before, we have cloned animals. We invent things—the silicone chip, plastic, and the radar. We cured smallpox and polio. We built the telephone, the television, the Internet, and the computer. We built airplanes and learned to fly them; built rockets to fly to the Moon. It is unbelievable what we have done. Our country is just that resourceful.

But we have found ourselves in recent months in a very deep hole. We find ourselves right now perched on the edge of a cliff, and the question is: What do we do to try to restore economic health to this country so that next month the news is not another half million Americans have lost their jobs; so that perhaps next month, or some month in the future the news will be that more Americans are working, more Americans have found jobs, more Americans are owning homes. How do we do all that?

The fact is, there is not anything in recorded human history that replicates this and there is not anyone who knows what is the menu to use to restore economic health. This country is in some very severe difficulty.

I wish to talk about what all this means and what I think we have to do. President-elect Obama came to the Senate today and spent time with the Democratic caucus. He spent the lunch hour with us and spoke for nearly an hour. It was an extraordinary exchange of views. He is a very gifted person who I think has great promise and, I think, hope that we can restore economic health to this country. He is going to need a lot of help. He is going to need a lot of us, Republican and Democrat. He is going to need the American people to join in an effort to restore economic health to this country.

In the Thomas Wolfe book "You Can't Go Home Again," he describes the kind of unique character of the American people. He describes it as a quenchless hope, boundless optimism, indestructible belief. I think these qualities exist in this country and it has gotten us through many difficult periods and will again and will this

time. But this will take some effort. This will not be easy.

I have described before what has caused much of this. It is not rocket science to describe it. We have seen what I think is an unbelievable carnival of greed, creating and trading exotic financial instruments that had dramatic risks, attaching that risk to some of America's biggest financial institutions and some of America's biggest banks. To go right to the origin of it—I have said it before and I will say it again and again, as long as I have an opportunity to speak about this because you have to close the gate. You cannot restore confidence in this country until you close the gate. Here is the house of cards that was built. We know what happens to house of cards in a high wind and all that, it has come down.

I described the other day, and I am going to once again, what is called a subprime mortgage scandal. They were advertising mortgages. We have all seen it. We have seen these advertisements. Here is the Countrywide ad. It was the biggest mortgage bank in the country. It now doesn't exist. It was subsumed into another company. By the way, the CEO of Countrywide, I am told—at least reading the newspaper—got away with a couple hundred million dollars for himself so he is not exactly shedding tears about all this. But here is what they were advertising for the American people: Do you have less than perfect credit? Do you have late mortgage payments? Have you been denied by other lenders? Call us. We would like to give you a loan.

Does that sound like sound business practices? It doesn't to me. What does it mean? The broker was able to get \$10,000, \$20,000 in bonuses for the loan. The mortgage company took their cut. Then they securitized it. They sold the security and rolled it into others—like they used to in the old days pack sawdust in sausage and roll it all together—they rolled these loans into a securities instrument, sold it up to hedge funds, sold it to investment banks. And they put prepayment penalties into it so borrowers were locked in, 3 years from the teaser rate, to interest rates that the borrower couldn't possibly repay and everybody was fat and happy and everybody was making a fortune—millions of dollars. Everybody was making a fortune.

The problem is it was a lot of air. It was not just Countrywide. Zoom Credit Company—here is what they said in their advertisements:

Credit approval is just seconds away. Get on the fast track at Zoom Credit. At the speed of light, Zoom Credit will preapprove you for a car loan.

Even if your credit's in the tank, Zoom Credit's like money in the bank. Zoom Credit specializes in credit repair and debt consolidation.

And then they finished with this:

Bankruptcy, slow credit, no credit—who cares?

Does that look like a good business practice to you? It looks like a Ponzi scheme to me.

This morning the judge in New York said Mr. Madoff, who had a \$50 billion alleged Ponzi scheme, was not going to be incarcerated. He apparently bilked people out of \$50 billion, but he is spending today in a \$7 million penthouse apartment in New York City because the judge says: No, no, he should not be incarcerated. That was a Ponzi scheme, apparently. People thought they had money invested with him. They, in fact, did not. It turns out there was not the money they thought was in their accounts.

But it is not just Mr. Madoff who had a Ponzi scheme. Do you think this is not a Ponzi scheme, a company such as this says: If you are bankrupt, you cannot pay your bills, you have slow credit, you have no credit, come to us; do you think that is not a Ponzi scheme? Because what do you think they did with that when they roped this customer into coming to them for a mortgage? They said: Tell you what, we have a sweet little deal for you. We will give you a mortgage called no-doc, that means you don't even have to demonstrate your income to us that will demonstrate you can repay it—no-doc loans. By the way, we will give you a mortgage, no documentation of your income, and we will give you a mortgage in which you don't have to pay any principal at all, just interest. Or, if that is not good enough, you don't have to pay all the interest for the first year. If that is not good enough, we give you a mortgage where we make the first 12 months' payments for you. But wait, we will give you a teaser rate. You can pay 2 percent interest rate. You can cut your home mortgage in half.

We don't tell you about the fine lines that say we are going to reset the interest rate to a much higher level in 3 years and you are not going to be able to repay it. And, by the way, we are going to put a prepayment penalty in so you can't get out of this because—do you know what we are going to do with this mortgage? We are going to package it up with others, called securitizing it, and we are going to sell it so we don't have any responsibility for it anymore and a hedge fund is going to buy it. Do you know why a hedge fund is going to buy it? We have a prepayment penalty in there with high interest rates and it will reset in 3 years and we are going to make a lot of money. They were all fat and happy when they built this huge bubble and the bubble burst and it helped cause a collapse in this economy.

I say all of that just to say it is not over. Go to the Internet right now, and see if you can find what I found—no documentation loans. We still have shysters out there advertising this kind of nonsense: We will give you a loan. You don't even have to document it.

What happened as a result of this? Some of the biggest financial names in our country, it turns out, were investing deeply in what we now understand

is toxic assets. We all understand the word "toxic." It always used to be associated with a waste dump, toxic waste dump. Maybe toxic is an appropriate term. When the Treasury Secretary says toxic assets, it seems to me the bowels of some of the biggest financial institutions represent toxic waste dumps because that is where these bad assets exist.

So the Treasury Secretary came to us when it looked like everything was going to collapse and said I need \$700 billion from the American taxpayers and I need it in 3 days and I have a three-page bill I want you to pass. Why? What I am going to do, I am going to buy these assets from the biggest financial companies in the country and relieve them from this toxicity deep in the bowels of the banks. I did not vote for it, but sufficient numbers of my colleagues voted for it to authorize \$700 billion.

Now \$350 billion has either been spent or committed. The scandal is we cannot find out how the taxpayers' money has been used. To whom? For what purpose? Under what conditions?

We know in total there is about \$8.5 trillion that has so far been committed by the Federal Government. That means the taxpayer is on the hook for about \$8.5 trillion—the Federal Reserve programs, \$5.5 trillion; FDIC, \$1.5 trillion; Treasury Department, \$1.1. Do you know what? The Bloomberg News Corporation had to sue the Federal Government to get information about this. Isn't that unbelievable? They should not have had to sue anybody.

Let me show you the statements that were made by the Treasury Secretary and others. Here is what the Treasury Secretary said on the 23rd of October:

We need oversight, we need protection. We need transparency. I want it, we all want it.

That is just words. It didn't mean a thing. There is no transparency. You cannot find out what is going on. The Treasury Secretary took \$125 billion and shoved it at nine banks and said: I am going to invest in capital. I changed my mind, I am not going to buy any assets. So the TARP program, which got its named for troubled assets—there are no troubled assets purchased by the Secretary. He said: I changed my mind, now I want to give capital to banks.

That is not necessarily a bad idea, except he took \$125 billion and plugged it into nine banks, some of which didn't want it, and there were no strings attached. He said: I am doing this because I want you to expand lending. There was no requirement they expand lending, no requirement they not use it for bonuses or dividends.

If you ask the Treasury Secretary: Did they expand lending with the \$125 billion of taxpayers' money you sunk into capital, his answer is: I don't know. Ask the banks. They tell you money is fungible, we are not going to tell you that answer. We know don't know. But ask people wanting to get money from the banks. They will tell

you there is no additional lending or expansion of credit. It was just a commitment on behalf of the American taxpayers of \$125 billion in search of a solution that didn't exist because he didn't put strings on it or attach some conditions to it, so that is where we are.

Ben Bernanke, head of the Federal Reserve Board, said on the 24th of October, "Transparency is a big issue." I guess so. It is certainly a much bigger issue, given what he has done. He has moved massive quantities of money through the Fed—by the way the Fed opened its window to direct lending to investment banks for the first time in the history of this country. They used to only do direct lending to FDIC-insured banks. They opened the window to direct lending to investment banks. The question is, Who got the money? Under what conditions? How much? The answer is, We don't know. We are not telling you.

That is unbelievable to me. There is nothing in the Constitution about this. The Constitution is a short little document that talks about powers, the powers of the executive branch, the powers of the legislative branch, and judicial branch. You go read the Constitution and try to figure out whether you think the opportunity exists for somebody, even in a crisis, to commit \$8.5 trillion, \$8.6 trillion on behalf of the American taxpayer and then tell us you will not to get information about this? Go to court. That is unbelievably arrogant, in my judgment.

Having said all that—which is, in some ways, therapeutic for me to go through what has caused so much of this and to talk about the folly of the pursuit of a solution. That we cannot possibly succeed unless you have conditions and attachments to those moneys that are being used—all of this, it seems to me, is wrapped in a circumstance where we now find ourselves with a new President. He will be sworn in on the west front of this building next Tuesday. He inherits the most significant set of economic problems I think of any President since Franklin Delano Roosevelt. I don't think there is much question about that.

The question is, Where does this go from here? You know the law of holes: When you are in a hole, stop digging. The question is, How do you stop digging? How do you find a way to put this back on track to some sort of growth? Where is the bottom? How do you stop this from falling off a cliff? There are all these folks, the so-called smartest people in the room, who share with me and with my colleague from Arkansas, who is the Presiding Officer—share the fact that none of us understand the answer. Nobody understands exactly what to do.

But I wish to say this: I think at the root of this is always, and will always be, with this economy of ours, the issue of confidence. Do people have confidence about the future? If they are living in a place, in a country and at a

time when they can be confident about the future—confident for themselves and their kids, confident that they will have a job, retain their jobs, have job security, have a decent payroll, have benefits in the future—then they are confident and do things that manifest that confidence: buy clothes, take a trip, buy a car, buy a house; they do the things that expand this economy. But when they do not have confidence—and the American people at this point do not—they do exactly the opposite, which contracts this economy. They defer all those purchases and decide, you know what, we don't have confidence that we are going to keep this job, have this income, provide for our kids. We need to cut back, and that contracts the economy.

So the question is this: It is not, as I have said often, about how do you tune the engine on the ship of state. How do you go down to the engine room and take a look at every dial, gauge, lever, knob, and just adjust it just right?

In fiscal policy or in monetary policy, how do you adjust it? Tax credits? M1B? Fiscal stimulus? It is not that at all, in my judgment, because there is not a perfect menu to provide confidence to the American people. And it does not matter how you adjust those issues if you do not find a way to instill confidence, the economy is going to contract. So I have introduced legislation with a number of pieces that I think are essential to try to provide that kind of confidence. Let me describe them.

First and foremost, I do not think you can do this and give the American people confidence unless you look back and look forward. That means accountability, and accountability means looking back and looking ahead, it seems to me. I described the absurdity of Mr. Madoff running a \$50 billion Ponzi scheme, living in his \$7 million apartment in New York City, and the judge saying: That is okay. It seems to me there is an equal absurdity here of having the equivalent type of Ponzi schemes in which you loaded some of the biggest American financial institutions with dramatic amounts of risk and debt and say: Well, now that is past, no one is accountable. It seems to me someone is accountable for that. Are they still around? Were they getting \$20 and \$30 million a year? Some of them were. There was a recent investigative piece by the Washington Post describing the person in charge of risk management and describing a trader at the same firm, both making somewhere in the neighborhood of \$20 million a year. Who is accountable for that, for the collapse as a result of the loading up of dramatic risk in an investment bank and then having the American taxpayers bail it out?

Here are some of the so-called biggest institutions that were deemed "too big to fail." Until this point, they have not only been "too big to fail," they have been "too small to regulate" apparently because we have a lot of

folks in this town who do not want to regulate anything. They want to be willfully blind, including those we pay to regulate these entities. They are the ones who helped us decide long ago, as a country: We are not going to look at derivatives, we will not regulate derivatives, and we are not going to regulate hedge funds. We are willing to countenance a lot of dark money out there because we do not need to see it. You know, the high priest of that thought was, of course, Alan Greenspan, whose notion of how you handle all of this is self-regulation. Self-regulation will work just fine, he said. Well, it turns out that was a miscalculation to the tune of some trillions of dollars. It did not work fine.

Here is what we need to do—accountability going back. I have just described Alan Greenspan. He came and testified. He said: "I made a mistake in presuming the self-interests of organizations, specifically banks and others, were best capable of protecting their own shareholders and their own equity in the firms."

You know the old saying that there is no education in the second kick of a mule. We know this. We knew this. We have been through this in the Great Depression. We were through the Gay Nineties and the Roaring Twenties. None of us lived then, but we learned the lessons and put in place the protections to make sure it never happened again.

About 10 years ago, the Congress took apart most of those protections. I voted against it. I thought it was a terrible decision. But here we are paying the price for that.

Those protections, it seems to me, at this point need to be reconnected. So what should we do? Well, first of all, I think, in addition to a rescue plan of some type, or a stimulus plan, as it is being called, it seems to me you need some type of taxpayer protection. Nobody is looking out for the taxpayer here, and the taxpayer is having to make the commitment through the Treasury Secretary, through the Federal Reserve, and through the Congress. Let's have a taxpayer protection plan or a Taxpayer Protection Act.

One, I think we ought to extend the oversight, accountability, audit, and all the reporting provisions that were imposed originally by the Treasury Department under the Emergency Economic Stabilization Act to cover any financial entity that provides emergency economic assistance to private firms. There ought to be complete transparency, no secrecy, nobody saying: We will not tell you, we will not show you, we will not disclose to you.

Second, all private firms receiving emergency financial assistance should be subject to the same set of rules and restrictions relating to executive compensation, golden parachutes, dividend payments, to name a few.

You know, we had the auto industry executives come down here, and they were widely pilloried for flying Gulfstream IVs wing tip to wing tip from

Detroit to Washington, DC. It turns out that there were over 20 commercial flights that day from here to Detroit and back. One could have sat them in first class and provided them Dr. Pepper in a paper cup, or whatever it is they do in first class, between Detroit and Washington, DC, and they would have been fine. But they flew down wing tip to wing tip in Gulfstreams and, you know, making \$2 million, \$2.5 million a month, whatever it was. There was a lot of criticism about it—justifiable, in my judgment. I want the auto industry to succeed, but that was not a very smart thing that day.

But the question is, Why it is just the auto industry? Where are all of those folks who ran some of those big investment banks into the ditch? Where are the folks who caused that wreckage? How about the people who ran these big mortgage companies that were selling these unbelievable mortgages to people with bad credit and getting big bonuses as a result? When are they going to be brought here under subpoena and asked the same questions and subject to the same requirements?

I think we ought to create a taxpayer protection prosecution task force. I believe there is a lot of illegal activity that has not been uncovered. And I do not think it ought to be laid at the feet of some attorney general someplace in some State. There ought to be a Federal prosecution tasks force empaneled, and that task force must make it a top priority to investigate and prosecute financial fraud cases and seek to recover any ill-gotten gains. The task force shall make recommendations to the Congress, within 60 days, about extending the statute of limitation in complicated financial crimes, if necessary.

There ought to be a reform commission on the financial system that determines the causes of this financial nightmare. And the commission would report its findings, conclusions and make recommendations for preventing a similar debacle in the future. I do not think it is just a matter of jump-starting the economic engine; I think you have to rewire the system here. You have to rewire the financial system. This does not work.

Securitizing instruments for which there was never any decent underwriting because you did not have to underwrite if you were going to send the risk upstairs—that does not work. And you cannot have dark money out there beyond the gaze of regulators.

You do have to regulate. It seems to me you have to completely reform the financial system, and I do think the people who caused this wreck are going to be the ones who are going to help us reform the system.

So those are four areas that I think we have to do on behalf of the American taxpayer.

You know, my sense is that everyone in this country wants this new Government to succeed. President-elect Barack Obama campaigned across this

country on the subject of change. We all understand the need for that change. The fact is, there is plenty of blame to go around. Lots of folks, Republicans, Democrats, one administration, another—there is a lot of blame. But it seems to me there are special obligations laid at the feet of those who in the last 8 years have decided to be willfully blind and decided that self-regulation was more important than having people do their jobs who were supposed to be regulating. And the result was the creation of a house of cards or a Ponzi scheme sort of thing that has caused dramatic damage to this country.

Now, it is a mess, but I think this country can get out of it. I think it would be hard for anybody in this Chamber to decide to get up and go to work if they did not have an abiding hope about the future of this country. And I do. But that hope is joined, it seems to me, by requirements to find out what happened, take action based on what happened, and make sure it never happens again. That is not rocket science; that is what we are obligated to do.

This is, as I said, a great country with a wonderful history of overcoming the odds. We have people who came to this country from different parts of the planet searching for opportunity. Most of us come from immigrants who came from one part of the planet or another, one part of this globe, and came to this country because they believed this is the place where opportunity existed.

There was a man named Stanley Newberg who died, and there was a tiny little piece written in the New York Times about him some years ago. It was a piece that intrigued me, so I looked into it to find out what was this about, Stanley Newberg. It said, in this one-paragraph piece, something that I discovered more about. A man came to this country with his parents to flee the persecution by the Nazis of the Jews, and they came here and landed in this country, with nothing, in New York City. His dad had a job peddling fish on the Lower East Side of New York, and Stanley Newberg trailed along, this little tyke with his dad every day peddling fish. Then he went to school, and his parents struggled because they had nothing, and he did well in school. They struggled to get him some loans and try to help him get to college. He went to college, graduated from college, and went to work for an aluminum company. He did very well with the company and rose up to management in the company and then purchased the company.

Later, he died. When they opened his will, Stanley Newberg, in his will, left \$5.7 million to the United States of America. In his will, he said: For the privilege of living in that great country. Is that not remarkable? Here is a man who came here with nothing, was enormously successful, then at the end of his life left his inheritance to the United States of America. I am not

suggesting everyone do that. I am suggesting it inspires me when people—in this case, coming here as a boy with nothing—understand the magic of what this country of ours offers in terms of opportunity and freedom. And I think, with all of the hand-wringing that exists in our country about these very serious troubles we face, I am absolutely convinced, if we work together, with a new President, a new Government, if we call the American people to be part of something bigger than themselves, to say this is a moment to try to put this country back on track and build better opportunity and greater opportunity for all Americans, I have great hope then for this country.

Mr. MARTINEZ. Mr. President, I rise today in strong support of S. 22, the public lands omnibus bill. This legislation contains several important provisions for the State of Florida that will protect its natural treasures and expand understanding of our rich history. These bills are bipartisan, and I am proud to have worked with my colleague Senator BILL NELSON in support of the Everglades provisions and the commission for the 450th anniversary of St. Augustine's founding. Congressman JOHN MICA has introduced a companion version of this bill in the House of Representatives and I wanted to recognize his efforts as well. In addition, I thank the hard work of Senator JEFF BINGAMAN, the chairman of the Energy and Natural Resources Committee, and ranking member, Senator MURKOWSKI, and their staff, for including these bills in S. 22 and bringing it to expected floor passage.

The public lands package contains an authorization for the St. Augustine 450th Commemoration Commission, which is critical in assisting the National Park Service, the State of Florida, as well as all local stakeholders in organizing the historic celebration of the city's founding. St. Augustine's old and complex history mirrors much of the American experience. It was the birthplace of Christianity in the New World and it was truly the first blending-pot of cultures that included peoples of Spanish, English, French, Native American, and African descent. Many do not know that St. Augustine is the location of the first parish mass in the United States and it was the location of the first free black settlement in North America. Nearly a century before the founding of Jamestown, Spanish explorer Juan Ponce de Leon landed off the coast of St. Augustine looking for the fabled Fountain of Youth but instead founded a colony known as La Florida. He discovered very favorable currents that would later be known as the Gulf Stream, which would serve as trade routes for European explorers to discover other parts of the New World.

Because of St. Augustine's location along strategic trade routes, Spain constructed the Castillo de San Marcos in 1672 to protect the capital of La Florida from French and British interests. The Castillo de San Marcos is

built on the ruins of the original fort that was burned to the ground by British sailor and explorer Sir Francis Drake. The fort still stands today and has had six different flags fly above its ramparts. It is the oldest surviving European fortification in the United States.

The St. Augustine Commemoration Commission is necessary to help organize the tremendous amount of historical and cultural events that will take place in the first coast area. The commission will encompass a broad array of members from Federal, State, local, and academic backgrounds to ensure that it has a diverse make-up of professionals to assist the city of St. Augustine in celebrating its founding. The intent of the St. Augustine commission bill is to assist the NPS and local stakeholders in building upon the experiences of the Jamestown celebration in 2007. In addition, the commission would provide the necessary framework to navigate the significant logistical challenges facing the city of St. Augustine, the State of Florida, and the National Park Service.

Restoration of the Everglades, especially Everglades National Park, will be enhanced by enactment of the public lands bills package, S. 22. One such provision included is section 7107, which would expand the boundaries of Everglades National Park by nearly 600 acres and help protect a critical part of Florida's ecological heritage. I am proud to have cosponsored this legislation with my colleague BILL NELSON, and it is supported by a broad group of stakeholders including the Monroe County government in the Florida Keys, the Nature Conservancy, and the National Park Service. The passage of this bill would protect coastal wetlands and habitat for a myriad of endangered species including the American crocodile, the West Indian manatee, the wood stork, the roseate spoonbill, and other migrating birds.

The citizens of Florida have long treasured the Everglades, and the addition of this property within the park's boundaries will help preserve the unique beauty that makes the keys such a special place. The addition of the Tarpon Basin property will not place new management or administrative burdens on our park's staff, but instead would enhance and preserve a part of Old Florida for years to come.

Another provision included in S. 22, which Senator NELSON and I support would facilitate an important land exchange to allow the National Park Service to acquire the last significant private inholding in the Everglades and clear the way to finally implement the federally approved Modified Waters Delivery Project or "Mod Waters." Mod Waters will help restore natural water flows into Everglades National Park, and although authorized nearly 20 years ago in 1989, it has experienced substantial delays.

The land trade provided for in the pending, measure enables the Park

Service to acquire Florida Power and Light's, FPL, 7-mile long, utility corridor that now bisects the expanded Everglades National Park. This corridor runs north-south through the heart of the East Everglades and Shark River Slough, which provides the primary water flows into the park. Under the exchange, FPL would give this 320 acre inholding to the park and would receive roughly 260 acres on the eastern boundary of the park adjacent to the existing L 31 canal and levee. FPL would also receive a vegetative management easement to help control non-native exotic plants. Public acquisition of the FPL inholding would eliminate the last significant private inholding delaying Mod Waters.

No funds will be needed for this inholding acquisition and appraisals indicate that the park receives more value than FPL. Since so much preliminary work has been put into identifying the precise lands and interests involved in the exchange, the Park Service should be able to promptly complete the appraisal approval process. Expedient review is critical to facilitate Mod Waters and ensure that the exchange is executed so taxpayers are spared the multimillion-dollar costs of purchasing the FPL corridor.

Substantial work has already been completed and all evaluations indicate that relocating the utility corridor away from the Everglades National Park will provide a wide array of environmental benefits to the park. The exchange and relocation ensures that there will be no electric transmission lines constructed on the existing private right-of-way. In addition, moving the utility corridor to the periphery of the park to developed property will lessen impacts on resources, endangered and threatened species, and other park-related values. The bill also provides the NPS with the authority to relocate the Everglades Park boundary to ensure that the lands conveyed to FPL are outside of the park. The intent is that the relocated utility corridor not be within Everglades Park.

Since an environmental assessment needs to focus only on those factors arising from the land exchange itself, it is expected that the Park Service will move quickly to complete the assessment. Any effects that may arise from future proposed development of the relocated corridor would be subject to full environmental review at that time by appropriate Federal and State agencies. Because of these protections and oversight, there should be no undue regulatory delay in the completion of this important land exchange, which could further delay Mod Waters. Accordingly, the NPS should act in a timely manner to render a suitability finding for lands adjacent to the park used for transmission to meet the power needs of south Florida.

I again thank Chairman BINGAMAN and Senator MURKOWSKI for including these bills in S. 22. I also want to thank our outgoing ranking member, Pete

Domenici, for his hard work in helping move these bills through the Energy and Natural Resources Committee last year. We have a chance at the beginning of a new Congress to show the American people that Washington is not all about politics and gridlock. I urge my colleagues to vote for S. 22 to help facilitate the completion of Mod Waters and enhance the protection of Florida's fragile ecosystem.

Mr. NELSON of Florida. Mr. President, restoration of America's Everglades is one of my top priorities in the Senate. Everglades National Park stands to be enhanced by enactment of the public lands bill package, S. 22.

Section 7107 contains a measure—similar to a bill introduced by Senator MEL MARTINEZ and me, to facilitate an important land exchange which will allow the National Park Service to acquire the last significant private inholding in the East Everglades and clear the way to finally implement the congressionally approved Modified Waters Delivery project or "Mod Waters." Mod Waters will help restore natural water flows into Everglades Park. This project provides a critical foundation for many future restoration projects and although it was authorized in 1989, has been delayed for a variety of reasons including the need to acquire private lands that will be returned to a natural state by increased water flows.

The Park Service has worked painstakingly since 1989 to acquire over 100,000 acres in the East Everglades at a cost of more than \$104 million to clear the way for Mod Waters. Over 8000 individual parcels of land have been purchased and added to Everglades National Park. The land trade provided for in the pending measure will enable the park to acquire Florida Power and Light's—FPL—7-mile long, 330-foot wide inholding that now bisects the expanded park. This corridor of private lands runs north-south through the heart of the East Everglades and Shark River Slough, which provides the primary water flows into the park—the area where more natural water flows will be restored by Mod Waters. Under the exchange, FPL would surrender this 320-acre inholding to the park and receive approximately 260 acres on the eastern periphery of the park immediately adjacent to the existing L 31 canal and levee as well as a vegetative management easement to help control nonnative exotic plants among others. Public acquisition of the FPL inholding would eliminate the last significant private inholding delaying Mod Waters. In return, FPL would receive lands that would be outside the park, providing it with the opportunity to develop such lands into a viable utility corridor, if approved. This is a win-win for the people of south Florida who depend upon both a healthy environment and the availability of power.

As I stated earlier, Mod Waters is the foundation for the broader Comprehensive Everglades Restoration Plan, CERP, approved by Congress in the

Water Resources Development Act of 2000. The congressionally mandated September 2008 National Academy of Sciences report on Everglades restoration called progress on Mod Waters "dismal." The report emphasized that Mod Waters is critical to restoration, especially for Everglades Park, and urged the Federal Government to take action to move the project along. This exchange does precisely that.

No funds will be needed for this inholding acquisition. Since so much work has already been done to identify the precise lands and interests in land to be exchanged and these lands have been subject to professional appraisals, we expect the park to be able to promptly complete the necessary administrative requirements to complete the exchange. Time is of the essence in order to facilitate Mod Waters and ensure that the exchange is executed so taxpayers are spared the multi-million dollar costs of purchasing the FPL corridor.

Prior to executing the land trade, the Park Service will prepare the appropriate National Environmental Policy Act document to fully understand the environmental impacts, if any. It is my hope that this exchange will provide a wide array of environmental benefits to the park. The exchange ensures that there will be no electric transmission lines constructed on the existing private right-of-way. The bill also provides the Service with the authority to relocate the Everglades Park boundary to ensure that the lands conveyed to FPL are outside of the park. It is intended that the utility corridor, if developed, not be within Everglades Park. Because many of the agreements have been worked out in advance between FPL and the park, I expect that the Park Service will move expeditiously to complete the land exchange authorized by this legislation.

In a similar vein, the Park Service must also make a determination that the lands and interests along the L 31 canal and levee on the edge of the park are "suitable" for exchange and conveyance to FPL. This "suitability" is already widely acknowledged and recognized by both the agency and the Congress as these peripheral lands are not in the heart of the park and not critical for Mod Waters and water flow restoration. Accordingly, I expect the Park Service to act in a timely manner to render the suitability finding.

I received a letter from Florida Department of Environmental Protection Secretary, Mike Sole, expressing his support for the land transfer. The exchange is also supported by the Department of the Interior and the Army Corps of Engineers.

I expect the Park Service and FPL to move promptly to complete the exchange. Again, the need for action on Mod Waters means that time is of the essence.

I wish to thank Chairman BINGAMAN and Ranking Member MURKOWSKI for their efforts to incorporate this impor-

tant measure in the S. 22 package. We must move expeditiously to compete Mod Waters and completion of this land exchange will help us achieve these objectives while ensuring that the taxpayers are spared the cost of purchasing a very expensive park inholding from FPL.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. I ask unanimous consent the Senate proceed to a period of morning business with Senators permitted to speak therein for a period of up to 10 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

80TH ANNIVERSARY OF LULAC

Mr. REID. Mr. President, I rise to call the attention of the Senate to the 80th anniversary of the League of United Latin American Citizens, LULAC. As a pioneer of the Latino civil rights movement, LULAC has long fought to better the economic condition, educational attainment, political influence, housing, health and civil rights of Americans of Latino descent.

Eighty years ago, three organizations in south Texas united to combat the rampant discrimination faced by Mexican Americans. After decades of disenfranchisement, the Latino community in south Texas created a movement for equality that has contributed greatly to enhancing the livelihood of Latinos throughout the United States. LULAC's successes and achievements are many—ranging from the desegregation of schools throughout the American Southwest to improving access to jobs and government programs.

Today, as America's oldest national Latino organization, LULAC boasts continued service to America's Latino population through more than 48 employment training centers, 16 regional centers, and employs its great knowledge of the needs of the Latino community by advising private, nonprofit, and public institutions. Moreover, its unique charter structure allows this organization to disseminate important information and provide worthwhile services via more than 600 councils throughout the United States and Puerto Rico. The need for LULAC's services has not subsided through the years and a new generation of Latinos calls upon the institutional strength that this organization can provide. The

challenges we face as a nation can only be resolved by the inclusion of all American communities and I value the sage voice of LULAC on the strategies to empower Latino communities.

The organization's early efforts for political and social inclusion created a strong base which LULAC and other organizations now utilize to improve the quality of life for all American Latinos. I congratulate and commend the League of United Latin American Citizens for their long record of service to the Latino community and wish them continued success.

TRIBUTE TO BOURBON HEIGHTS NURSING HOME

Mr. McCONNELL. Mr. President, I rise today to honor the Bourbon Heights Nursing Home, which was recently recognized as the best nursing home in the State in 2008 by the Kentucky Association of Health Care Facilities, KAHCF.

Recently, the Bourbon County Citizen in Paris, KY, published a story about the Bourbon Heights Nursing Home receiving this top honor.

Mr. President, I ask my colleagues to join me in honoring the work of the dedicated staff and volunteers at Bourbon Heights, whose continued commitment to the community and to those they care for is extraordinary. I further ask unanimous consent that the full article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Bourbon County Citizen, Dec. 19, 2008]

BOURBON HEIGHTS RECEIVES STATE AWARD

(By Paul Gibson)

The Bourbon Heights Nursing Home was the recipient of the coveted award recognizing them as the best nursing home in the state by the Kentucky Association of Health Care Facilities (KAHCF). There are 247 nursing homes in the association and each one is awarded the large trophy that signifies the top honor.

"There is an extensive application procedure," said Glenda McKenzie, Activities Director. "And judges come at least twice during the year to personally see the facility."

"The judges' visit is very thorough," said Angie Forsythe, Administrator at Bourbon Heights. "They interview each department head and observe the services we provide residents."

According to Forsythe, the judges also interview staff members, residents, and volunteers to gain better understanding of how the facility operates.

"The judges really wanted to know what makes us unique," Forsythe said.

The judges discovered, McKenzie said, "that we are a very diverse facility offering a wide range of services to our residents."

Currently, Bourbon Heights provides independent living in apartments, personal care, nursing care, day care and out patient rehabilitation.

"I think the judges were impressed with the way we take pride in the care we provide our residents," Forsythe said. "We are like a family here and the staff provides a loving care for each resident."

She added that Bourbon Heights has very little turnover in staff and that many staff

members have 20 or more years of service. "It is like a family here, the staff cares for the residents and relationships are developed that are important to the residents."

One of the most unique attributes of Bourbon Heights is the support from the community and the volunteers who are in the floors every day providing support and help to the regular staff.

"As I travel around the state attending meetings," McKenzie said. "Other Activity Directors are amazed at the level of community support that we have at Bourbon Heights."

The giant trophy in the lobby is awarded for one year and will be passed on next year to a new recipient. A trophy cup will remain at Bourbon Heights as a reminder of this year's honor of being named the best nursing home in the state.

Bourbon Heights was chartered in 1965 when it opened as a senior care center. It is a non-profit organization. The land is owned by the county and the buildings and improvements are part of the Bourbon Heights Corporation and under the direction of the board of directors that oversee the non-profit organization.

CONGRATULATING THE SAN DIEGO CHARGERS

Mrs. BOXER. Mr. President, today I wish to send my congratulations to the San Diego Chargers for the remarkable way that they turned around their 2008 season in the National Football League.

During difficult economic times, as they face hardships and uncertainty, millions of sports fans across America turn to their hometown teams for solace and inspiration.

Few teams this year faced as many hardships as the Chargers, and few teams in any year have overcome adversity with such inspiring tenacity.

Hampered by injuries to star running back LaDainian Tomlinson and other key players and suffering through a series of heartbreaking losses, the Chargers began the 2008 season with just four wins in their first 12 games. With 3 weeks to go in the regular season, they trailed the division-leading Denver Broncos by three games. Though their fans remained loyal and the team remained confident, few outside observers gave them any chance reaching the NFL playoffs.

Over the next 5 weeks, though, the Chargers made an amazing run. Beginning on December 4th, three consecutive San Diego victories and two Denver losses left the Chargers just one game back entering a December 28 showdown with the Broncos.

In the decisive game, the Chargers staged an awe-inspiring offensive display to crush the Broncos 52-21 and win the AFC Western Division championship. They became the first team in NFL history to have been 4-8 and make the playoffs and the first team ever to win their division after being three games behind the leaders with three games to play.

Six days later, on January 3, the Chargers faced a terrific Indianapolis Colts team in the playoffs. In perhaps the greatest NFL game ever played in

San Diego, the Chargers beat the Colts in overtime, 23-17.

Every playoff tournament ends sadly for every team but one. Last Sunday, on a snowy day in Pittsburgh, the mighty Steelers ended the Chargers season.

But nothing can dim the luster of the Chargers' late-season run. Their dramatic turnaround is an inspiration to sports fans everywhere.

Mr. President, I grew up in Brooklyn, in the shadow of Ebbets Field, where baseball fans endured years of frustration with the annual cry of "Wait Till Next Year." When I was in high school, our dream finally came true, and "next year" became this year.

With a talented young team that has triumphed over adversity, the San Diego Chargers can look forward to next year with pride and confidence. I salute the Charger players, coaches, staff, and ownership along with their loyal fans—for a great 2008 season.

WHITE MOUNTAIN LAND MANAGEMENT

Mr. GREGG. Mr. President, I rise today to speak briefly about the White Mountain National Forest and the U.S. Forest Service's efforts to manage these lands for the benefit of all Granite Staters. In particular, I wanted to extend my appreciation and support for the agency's commitment to implementing its 2005 management plan for the forest, including the Mill Brook timber harvesting proposal.

It goes without saying that the White Mountain National Forest is a special place for all New Hampshire residents. Drawing millions of visitors each year, these lands have long appealed to those who enjoy the outdoors, while also providing natural resources that support communities across the State. Through balanced, multiple-use management policies, I remain confident that the White Mountain National Forest will remain one of the crown jewels of the National Forest System for generations to come.

As such, I was pleased when, in 2005, the U.S. Forest Service released its new management plan for the White Mountain National Forest. Striking a delicate compromise among stakeholders, it was overwhelmingly supported in New Hampshire and established a consensus-based blueprint for how this natural resource will be managed. I applauded all of the hard work and public outreach that the Forest Service put into this plan and was pleased to coauthor legislation that implemented its wilderness recommendations. Signed into law in December 2006, the New England Wilderness Act designated nearly 35,000 acres of new wilderness in the Forest and strengthened our nation's commitment to land conservation.

The 2005 management plan also included timber harvesting, which is critical for both regional economic activity and wildlife diversity purposes. The

timber industry is one of the largest manufacturing industries in New Hampshire, supporting well paying jobs and local communities, especially in the north country. Carefully managed timber harvesting can also play an important role in maintaining habitats that are critical for certain types of wildlife.

Fully consistent with the 2005 plan and its timber harvesting guidelines, the Forest Service has proposed logging projects which have been subject to environmental review, are limited in scope, and have the support of well respected groups across the spectrum such as the Society for Protection of New Hampshire Forests, Appalachian Mountain Club, the National Audubon Society, the New Hampshire Timberland Owners, and the North Country Council. Two of these proposals, the Batchelder Brook and Than Brook Resource Management Projects, have been unsuccessfully challenged by certain environmental groups such as the Sierra Club that do not represent the view of most Granite Staters. Even though they seemed fine with the 2005 management plan when it was released, these groups now want to undo it via lawsuits and other challenges that use up taxpayer resources and stymie economic activity in New Hampshire. Fortunately, the courts have so far ruled in favor of the Forest Service and have allowed these two timber harvesting projects to proceed. With each ruling against these challenges, it has been my hope, as well as the hope of many others in our State, that all parties would now act in good faith and respect the 2005 management plan's timber harvesting guidelines.

Unfortunately, this has not been the case, and it is why I am once more speaking on the Senate floor about the White Mountain National Forest. Once again, we now have the Sierra Club and its allies trying to tie up yet another important timber harvesting proposal, the Mill Brook project. This project, which consists of around 1,000 acres, is wholly consistent with the plan's timber harvesting guidelines. It is also supported by a large number of well respected environmental groups and the New Hampshire Fish and Game Department. But this is apparently not enough. Recycling some of the same legal arguments that have proven unsuccessful in the past, the Sierra Club and its friends are trying to thwart the good intentions and popular support of the 2005 plan, choosing the path of antagonism over the spirit of compromise.

Now of course, I recognize that it is within these groups' rights to file an administrative appeal and try to hold things up. And I also recognize that such tactics may appeal to their partisan supporters. That being said, I also feel that these groups' actions are meant to undermine the longstanding consensus approach that New Hampshire has taken to environmental protection and the management of the

White Mountain National Forest specifically. During these challenging times, I also find it hard to understand why some groups are trying to thwart the Mill Brook proposal when their previous attempts to block similar projects have not succeeded, especially when timber harvesting in this area will provide an economic boost for the Granite State.

As I have said in the past, the White Mountain National Forest can and should be accessible to a wide variety of uses, including timber harvesting. While I certainly agree that the Forest Service must follow the law and carry out certain environmental reviews, I also believe that this administrative appeal runs counter to New Hampshire's interests. I therefore hope that this appeal process is resolved as soon as possible and that we can all support the Forest Service's management of the White Mountain National Forest, including the Mill Brook project.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HONORABLE MIKE CRAPO: My name is Brian Gross and my wife Kelly and I have lived in Idaho since January as I graduated from the University of Wisconsin-Madison and received a job at Idaho National Laboratory in Idaho Falls. We settled into a comfortable fifteen hundred square foot town home and own two cars that we both drive to work every day. Our extremely short commute of 4 miles and 3 miles respectively requires that we spend around \$160 per month on gasoline. Though both cars achieve no less than 20 miles per gallon in the city and upwards of 32 miles per gallon on the highway, we would use more than our entire month's budget for gasoline if we made a trip to visit our relatives in North Dakota 800 miles away, making a trip for the holidays a rather expensive venture.

One would think after seeing the Hubbert curve peak near the earlier part of this decade, you would want to begin the move to-

wards other sources of fuel for our vehicles. If the OPEC embargo of 1973 was not enough, what will it take before we make the shift? The wonderful businessmen of Toyota and Honda appreciated the coming situation and conveniently developed a car that would contribute greatly in allowing the former to surpass all of the big three companies in sales of automobiles for the first time ever in April 2007. Even though GM and Ford have turned around with several hybrid and electric car projects, that still leaves the transportation industry vying for even more expensive diesel fuel. In my opinion, the first step for Congress would be to drastically subsidize the expansion of domestic biodiesel production. I mention only biodiesel, because of the issue with corn based ethanol cutting into our food supply. To counter that issue, why don't we revitalize methanol, which can be produced from garbage, as a fuel? Ford produced several vehicles subsequent to the oil embargo which ran on methanol, so the concept is proven, we just need to reestablish the fuel production industry.

As for electricity production, I as a nuclear engineer strenuously support the expansion of nuclear power. The loudening drum beat for action against anthropogenic climate change, though I am not a advocate of the theory, has drawn support for nuclear and public opinion is shifting in its favor. Assuming that you are an avid supporter of the INL and the nuclear industry, I would like to address my frustration with Senator Harry Reid's ignorance and stubbornness of the Yucca mountain repository. I hope you are asserting the fact to him and his supporters that it is a repository, not a dump as they keep calling it. I'm sure you've used the example of the French as the right thing to do considering 80% of their electricity is generated by nuclear, their waste is reprocessed, and most importantly, they are energy independent.

Lastly, I would like to thank you for addressing the issue of energy with the people of Idaho. I hope you will carry our message to the Senate with great fervor and it will not fall upon deaf ears.

BRIAN J. GROSS, *Idaho Falls.*

Our family is affected very little. You see, Senator Crapo, a year ago I was anticipating something like this and bought a 35mpg Kia Spectra, with which my wife and commute to our jobs 60 miles round-trip every day.

About a year ago, I noticed how the value of the dollar was on a steady decline due to Bush Administration policies (Chinese debt to fund the war, flooding the globe with USDs, unregulated futures commodities) and expected that since the value of a barrel of oil was based on the USD, and the value of the USD was on the rapid decline, I had better do something fast. So I bought the best value in a high MPG automobile that I could find, a Korean car. I would have bought an American car, but again, I was looking for value, and no American manufacturers could offer the same value as South Korean made Kia. A shame.

So, to answer your question—it has not affected us that much at all. We were prepared because we could see the future based on our analysis of Republican policies.

BRUCE BACON.

DEAR SENATOR CRAPO: Thank you for wanting to know what the people think. Energy prices really haven't changed my life at all. I produce almost all the power and hot water I need with solar panels and have a solar charging electric car.

Producing more oil in the U.S. will solve nothing as any new supply will be bought by China and India. We need to change fuel sources. Electricity will be the future fuel

source and it must be generated in Idaho by hydro/geothermal/wind/solar. Renewables are: Free fuel forever.

Nuclear will only make us more dependant on imports. We import 58 percent of our oil which is not a good thing. We import over 92 percent of the uranium used to fuel nuclear power plants. So, we should be talking about getting off our dependence of imported nuclear fuel with the goal of shutting down our nuclear power plants when the renewable generation is in place.

JOHN WEBER, *Boise.*

I'm not going to bore you with sad tales of my life today. I want all you folks in DC to tell the enviros they're killing a country whose life and economy are based on oil. If they want a perfect world in one national park from coast to coast, find another country to do it in.

Next, I want you to take crude oil off the commodities markets. All that is is people making all the money they possibly can and not having a care about what they are doing to people worldwide.

Is this asking too much of people elected to represent us instead of listening to a minority that makes a lot of noise. And if you're making money off of crude on the commodities market, then I guess you'll get rid of this E-mail.

MIKE ARNOLD.

I am lucky enough to work only 10 miles from my home. My husband got a job at the same place as I, so now we can carpool to work, saving on fuel. However, he is in the process of getting hired on with the police force. We have an SUV that we are in over our heads on in payments, as many Americans are. We also have a dodge diesel that gets 18.0 miles to the gallon. We leased this vehicle and have 2 more years left to go. The only reason we did this was because gasoline was \$3.00/gallon and diesel was \$1.99/gallon. Then, prices soared. We are no longer allowed to go camping, hunting, riding our ATVs, or even go fishing. It costs too much.

Not only are we feeling confined to our home, but businesses are suffering too. We are willing to pay a campground fee to have fun, but we cannot even afford to leave. We take our children to daycare, go to work, pick our children up from daycare, and go home. On Sunday, we go to church and come home. We do not have the luxury of going to the store for fun anymore with the spare change we have. Our stimulus check went into the bank to pay for future fuel costs. By the way, it's gone now.

I fully support the means of finding alternate energy not only for fuel, but for electrical power as well.

STEPHANIE L. ROVIG, *Middleton.*

I was around for the first "energy crisis" in 1973. A few years later, Americans were again reminded that our oil comes from "over there," is a finite resource, and should be conserved. But we did not listen. So here we are, thirty-five years later, with another opportunity to change our driving habits and our energy consumption. Switching to biofuels and electricity is not going to help much: the production of both consumes huge quantities of fossil fuels. Americans must conserve energy. We must learn to think differently about our energy consumption. We are like the dieter who loses fifty pounds, looks great, feels great, and then slowly gains all the weight back because he had not changed the way he thinks about food. Americans get into "feel good" mode. We walk conservation, talk conservation, and sometimes even drive conservatively. But when the newness of higher gas prices wears off, we go right back to overconsumption.

The government isn't going to help out long-term if they go after the gas and oil companies. Okay, maybe their profits seem a bit high in light of what everybody else is going through, but ultimately, conservation will affect the market and they'll have to turn down the prices. Government can subsidize mass transit and price it so that it's the economic choice. Government can reward conservation. Incentives for auto manufacturers to produce energy conscious vehicles will inspire research and could result in some little guy creating the next great automotive company, one whose main focus is energy conservation. We can change the ethos that drives our American reliance on petrochemicals. We must change the ethos, for the good of our planet and the social structures that it supports.

That is my story. Thanks for asking, Senator Crapo.

MIRIAM I. LYNGHOLM, *Moscow.*

Thank you for your proactive email on a critical issue. I am usually the one emailing you (along with Larry Craig, and Bill Sali) about whatever issue it is that I feel needs attention . . . line the still porous Southern border!! My husband and I have not done our usual weekly lunch out and our pizza night. I find, if I am lacking something for a recipe, I just do without it. Before the insanity of the current pump prices, I would just hop in the car and head to the store to get the missing item. That usually interpreted itself to a minimum \$20.00 purchase, because you always see something to just "pick up while I am there". But, no more. I find I incorporate as many errands in one trip as possible. I am definitely driving less, eating out less, and shopping less, even at the grocery.

Do I like this? Not one bit, especially when it is as unnecessary as it is. We have resources in this country that have not even been explored. Drill off the Atlantic. I have lived on the Florida Gulf coast. I know what a spill does, but the technology and safe guards are far superior to what they used to be! Move the limit out a bit, then explore. How about the shale available in Utah, Wyoming, and Colorado? I do not advocate destroying beautiful places at all. There are ways to return the earth to its previous state. We don't "scalp" the forest anymore with clear cutting. We have learned forest management. The same can be true of retrieving the oil from shale. Why then, does it take 2 years just to get the air permit to start up in those states? We won a world war in just twice that time. Surely, we can push paper faster in this crisis. Our economy is being crippled . . . one family at a time.

I hope you will vote to start exploring/drilling at a sensible distance off our shores . . . but START! The other issue is the free reign of the futures/commodity speculators and their part in all of these inflated prices. This has not happened before on this type of scale. Wasn't there some regulation in place that was done away with in the late 1990s that opened the way for this pillaging that is happening today? I implore you to take measures to stop these people who are inflating these prices and lining their pockets at the pain of others.

Thank you for writing and for your vigilance on the border (even though nothing is happening), and the gas price issues.

VIRGINIA CARTER, *Boise.*

Should be an easy one for your office to track. Follow a bbl of oil from AK, MT, WY, ND, SD, PA, TX or CA from the wellhead to the service station. You may not be able to publish what you come up with. . .

RODGER COLGAN.

I read with sadness your email on the plight of us Americans being consumed by

rising Energy prices. Your aim at getting more exploration for energy reserves misses the entire problem.

The problem is not that Gas prices, have gone up. Nor have housing prices or food prices increased.

You are looking at the symptom of a much bigger problem. What has changed is that the value of the dollar has decreased. As pegged by the price of gold, silver and the euro the dollar is worth less than it was in 2000. At that time gold was about \$250 per ounce, the Euro was \$.92 and Silver was somewhere around \$5.00. Today Gold is near \$900, Silver around \$17 and the euro is around \$1.55.

So Gas should be about \$5.76. Given that the price of gold has gone up over 3 times and so has silver.

The problem Senator is that the value of the Dollar or more accurately that Federal Reserve Token that most Americans refer to as the Dollar has declined.

It has declined because of the overprinting by the Federal Reserve who at Congresses request asks them to print more so they can borrow these fictitious dollars and pay back the private bankers called the Federal Reserve at an amazing profit.

When you measure gas prices and food prices against real money as defined by our constitution, i.e. Gold and Silver, gas in real terms is about a \$1.60 in 2000 terms.

One could argue that the price of Gold has also gone up in price but that is missing the point. Money as defined is a store of labor. A dollar as defined by our constitution is 25.8 grains of gold. You cannot inflate or deflate gold or silver. They are what they are. Sound. The Federal Reserve Tokens most Americans refer to as dollars, on the other hand is printed as fast or as slow as the government who borrows it. The Federal Reserve then charges interest on something that has been created out of thin air. What a business that has got to be. That is why the founders established a sound currency backed by gold. In 1913 Congress fell for a scheme to take the people's money. In 1929 Roosevelt created a banking holiday to convince the people that taking sound money from them would save the country. The people obviously confused by the recent events and nearly 20 years of advertising by the Federal Reserve Banksters were convinced that they should give up good money for worthless paper currency.

Let me give you an analogy most Americans might understand. Let us assume you are playing monopoly. We will give you a special player's piece let us call it the pig. The pig is playing like all the other players, however you, as the pig get to the coveted piece of real estate called Boardwalk. On realizing that you don't have enough money to buy Boardwalk you simply take some from the bank (Federal Reserve) and buy it. Now the other players (THE People of the U.S.) that you are playing with do not see you do this. However, after many more rolls of dice you seem to never run short of money. You simply go to the Federal Reserve and grab some more monopoly money. Now other players cannot seem to keep up. Their money is worthless. IN fact you have so much you simply bid up the price of anything you want to buy. This of course creates a huge disadvantage but you don't care you are the Pig, er government. Now the bank is asking for you to begin making those huge interest payments so now rather than the other players getting \$200 when they pass go you pass a new rule and the other players get a bill for \$200. Doesn't seem fair does it? Well that is what you and the other congressmen have been doing for the last 90+ years.

So here we are today with Congress borrowing paper currency or debt instruments

that the Federal Reserve gets to charge the people interest on. This Business by the banksters is something for nothing Banking Scam.

Real Money, Gold and Silver, does not change over time. It is sound, it is fair and when this country was founded some 230 years ago it changed an economy that was in the shambles to one of stability.

Today what does change is how many dollars Congress borrows to fund the occupation in Iraq, Afghanistan and the other 700 bases we have around the world.

The only real solution to this is to go back to a Gold Standard, and abolish the Federal Reserve, which is neither Federal nor are there any reserves. This private banking system, coupled with you and congresses overspending is what has put our economy in a tailspin that is much like the created disaster of 1929 and 1979.

Now the world no longer wants our debt and since we have no real money to pay it back with. The solution is to get back to a gold backed currency that the world can respect and trust.

It is nice that you congressmen and women point fingers as to the symptoms of the problem but you need to be pointing the fingers at yourselves who have allowed the problem. You have allowed President Bush and Dick Cheney, to run amok with a blank check book spending money on a war that was never approved by the spineless Congress.

You can pass all the laws and resolutions you wish but they are just window dressing. Until we get sound money and Congress takes responsibility for allowing Dick Cheney to run the white house then we will continue to see our wealth erode.

My hope is that you pull all the troops home, shut down all the bases and put this country on a sound money system by eliminating the Federal Reserve. Until you stop printing and spending Federal Reserve Tokens on guns and butter the dollar will continue its free fall until the people's wealth has been confiscated by the over printing of the currency.

May God bless you Congressman if you stand up to this charade created so long ago. For our country to survive you must take a stand.

If you don't take a stand, if no one stands up for the values our founders instituted so long ago, then I fear that our country will become just like other 3rd world countries whose governments have stolen the people blind with fiat currencies like what we have here in the United States.

Good Luck.

DAVID DEHAAS.

Like you or any other politician in DC really cares about the common folk who sent them there. You all could have set forth changes to allow more exploration and development of our own oil/gas in such areas as off the coasts and in ANWR but you didn't. So I ask you again why bother acting like you care, you don't pay for gas in your car or try to buy fuel to run your farm or truck.

ALBERT MORRISON, *Ammon.*

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-435. A communication from the Chief Financial Officer, Department of Housing and Urban Development, transmitting, pursuant to law, a report relative to the Department's competitive sourcing efforts during

fiscal year 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-436. A communication from the Under Secretary for Industry and Security, Department of Commerce, transmitting, pursuant to law, a report relative to the imposition of foreign policy controls on reexports to Iran and exports and reexports to certain parties pursuant to Executive Order 13382; to the Committee on Banking, Housing, and Urban Affairs.

EC-437. A communication from the Legal Information Assistant, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Minimum Capital Ratios; Capital Adequacy Guidelines; Capital Maintenance; Capital: Deduction of Goodwill Net of Associated Deferred Tax Liability" (RIN1550-AC22) received in the Office of the President of the Senate on January 11, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-438. A communication from the Associate General Counsel for Legislation and Regulations, Office of Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Consolidated Returns; Intercompany Obligations" (RIN1545-BA11) received in the Office of the President of the Senate on January 11, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-439. A communication from the Associate General Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Standards for Mortgagor's Investment in Mortgaged Property: Compliance With Court Order Vacating Final Rule" (RIN2502-AI52) received in the Office of the President of the Senate on January 11, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-440. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Minimum Capital Ratios; Capital Adequacy Guidelines; Capital Maintenance; Capital: Deduction of Goodwill Net of Associated Deferred Tax Liability" (Docket No. R-1329) received in the Office of the President of the Senate on January 9, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-441. A communication from the Acting Assistant Secretary for Water and Science, Bureau of Reclamation, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Reclamation Rural Water Supply Program" (RIN1006-AA54) received in the Office of the President of the Senate on January 11, 2009; to the Committee on Energy and Natural Resources.

EC-442. A communication from the Chief Financial Officer, Federal Mediation and Conciliation Service, transmitting, pursuant to law, a report relative to financial integrity for fiscal year 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-443. A communication from the Secretary, American Battle Monuments Commission, transmitting, pursuant to law, the Commission's annual report for fiscal year 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-444. A communication from the Director, National Gallery of Art, transmitting, pursuant to law, an annual report relative to the Gallery's competitive sourcing activities during fiscal year 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-445. A communication from the Secretary of the Treasury, transmitting, pursu-

ant to law, the Department's Performance and Accountability Report for fiscal year 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-446. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act that occurred within the U.S. Southern Command, and has been assigned case number 08-05; to the Committee on Appropriations.

EC-447. A communication from the Attorney of the Office of Assistant General Counsel for Legislation and Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program for Commercial and Industrial Equipment: Energy Conservation Standards for Commercial Ice-Cream Freezers; Self-Contained Commercial Refrigerators, Commercial Freezers, and Commercial Refrigerator-Freezers Without Doors; and Remote Condensing Commercial Refrigerators, Commercial Freezers, and Commercial Refrigerator-Freezers" (RIN1904-AB59) received in the Office of the President of the Senate on January 12, 2009; to the Committee on Energy and Natural Resources.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HATCH:

S. 215. A bill to authorize the Boy Scouts of America to exchange certain land in the State of Utah acquired under the Recreation and Public Purposes Act; to the Committee on Energy and Natural Resources.

By Mr. HATCH:

S. 216. A bill to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of designating Estate Grange and other sites related to Alexander Hamilton's life on the island of St. Croix in the United States Virgin Islands as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HATCH:

S. 217. A bill to amend the National Trails System Act to require the Secretary of the Interior to update the feasibility and suitability studies of four national historic trails, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HATCH:

S. 218. A bill to require the Secretary of the Interior to convey certain Bureau of Land Management land to Park City, Utah, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HATCH:

S. 219. A bill to provide for the sale of approximately 25 acres of public land to the Turnabout Ranch, Escalante, Utah, at fair market value; to the Committee on Energy and Natural Resources.

By Mr. GRASSLEY:

S. 220. A bill to amend title 28, United States Code, to provide an Inspector General for the judicial branch, and for other purposes; to the Committee on the Judiciary.

By Mr. NELSON of Florida:

S. 221. A bill to amend the Commodity Exchange Act to require energy commodities to be traded only on regulated markets, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. FEINGOLD:

S. 222. A bill to amend the Internal Revenue Code of 1986 to increase the national

limitation on qualified energy conservation bonds and to clarify that certain programs constitute a qualified conservation purpose, and for other purposes; to the Committee on Finance.

By Mr. FEINGOLD:

S. 223. A bill to amend the Farm Security and Rural Investment Act of 2002 to further the adoption of technologies developed by the Department of Agriculture, to encourage small business partnerships in the development of energy through biorefineries, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. STABENOW (for herself and Mr. BROWN):

S. 224. A bill to promote economic recovery through green jobs and infrastructure, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BAYH (for himself, Mr. HATCH, Mrs. LINCOLN, Mr. KERRY, Mr. LUGAR, Mr. KENNEDY, Ms. STABENOW, Mr. BENNETT, and Mr. VOINOVICH):

S. 225. A bill to amend title XIX of the Social Security Act to establish programs to improve the quality, performance, and delivery of pediatric care; to the Committee on Finance.

By Mr. TESTER (for himself and Mr. BAUCUS):

S. 226. A bill to designate the Department of Veterans Affairs outpatient clinic in Havre, Montana, as the Merrill Lundman Department of Veterans Affairs Outpatient Clinic; to the Committee on Veterans' Affairs.

By Mr. CARDIN (for himself, Mrs. CLINTON, Ms. MIKULSKI, and Mr. SCHUMER):

S. 227. A bill to establish the Harriet Tubman National Historical Park in Auburn, New York, and the Harriet Tubman Underground Railroad National Historical Park in Caroline, Dorchester, and Talbot Counties, Maryland, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself and Mr. AKAKA):

S. 228. A bill to amend title XIX of the Social Security Act to permit States, at their option, to require certain individuals to present satisfactory documentary evidence of proof of citizenship or nationality for purposes of eligibility for Medicaid, and for other purposes; to the Committee on Finance.

By Mrs. BOXER:

S. 229. A bill to empower women in Afghanistan, and for other purposes; to the Committee on Foreign Relations.

By Mrs. BOXER:

S. 230. A bill to express United States foreign policy with respect to, and to strengthen United States advocacy on behalf of, individuals persecuted and denied their rights in foreign countries on account of gender, and for other purposes; to the Committee on Foreign Relations.

By Mr. VITTER (for himself, Mr. DEMINT, Mr. INHOFE, Mr. BARRASSO, Mr. SESSIONS, Mr. ENZI, and Mr. BROWNBACK):

S.J. Res. 5. A joint resolution relating to the disapproval of obligations under the Emergency Economic Stabilization Act of 2008; placed on the calendar, pursuant to P.L. 110-343, sec. 115(e)(2).

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. NELSON of Florida (for himself and Mr. MARTINEZ):

S. Res. 13. A resolution congratulating the University of Florida football team for winning the 2008 Bowl Championship Series (BCS) national championship; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 64

At the request of Mr. INHOFE, the names of the Senator from Kansas (Mr. BROWNBACK) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. 64, a bill to amend the Emergency Economic Stabilization Act to require approval by the Congress for certain expenditures for the Troubled Asset Relief Program.

S. 85

At the request of Mr. VITTER, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 85, a bill to amend title X of the Public Health Service Act to prohibit family planning grants from being awarded to any entity that performs abortions.

S. 96

At the request of Mr. VITTER, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 96, a bill to prohibit certain abortion-related discrimination in governmental activities.

S. 174

At the request of Mr. INOUE, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 174, a bill to establish a coordinated and comprehensive Federal ocean and coastal mapping program.

S. 211

At the request of Mrs. CLINTON, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services and volunteer services, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. NELSON, of Florida:

S. 221. A bill to amend the Commodity Exchange Act to require energy commodities to be traded only on regulated markets, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. NELSON of Florida. Mr. President, over the past half year, as the price of a barrel of oil has rocketed into the sky—all the way to \$147 a barrel and in 1 day the price escalating \$25—there have been a number of Senators on this floor and in committee meetings and in private discussions saying: Why won't people wake up and realize it is not the economic marketplace of supply and demand that is determining the price of oil? Who wants us to believe that? The oil companies, of course. In fact, the price of oil has escalated not because there is a tightness on the world marketplace of de-

mand for oil. Indeed, at the very time of a 6-month period from the last quarter of last year until the first quarter of 2008—that 6-month period when the demand for oil was going down and the supply was going up, which would indicate the price should be going down if supply is greater than demand—exactly the reverse was true. The price kept rocketing to the Moon.

It defied the laws of supply and demand. Yet we had everybody running out saying, “Oh, it is the tight world marketplace,” and it was difficult to get people to listen to a group of Senators who said it was because the commodities futures exchanges had been deregulated and, therefore, unregulated oil futures contracts speculation was running wild.

Then, once it got up to \$147 a barrel, what happened? The liquidity crisis hit, the economic crisis of confidence hit—not only in America but across the world. A lot of this was precipitated by the faulty mortgages, the subprime mortgages we are now not paying off in the revenue stream because people weren't paying their mortgages. Those mortgages had been bundled into securities and then bought and sold, and a lot of financial institutions, hedge funds, mutual funds and, indeed, big investments for pension funds started dumping those because they needed cash, and they started dumping their positions on oil futures commodities that they had purchased in this speculative frenzy that ran the price up to \$147 a barrel. What happened? The exact reverse. The price of oil starts coming down. So what should we do about this? Well, we ought to do what a number of us have been saying: We ought to go back and reregulate what we have jurisdiction over, which is the Commodities Futures Trading Commission.

Now, why was it deregulated? It was deregulated in the dead of night before Christmas in the year 2000, and it was deregulated at the behest of the Enron Corporation. And once they deregulated that commodities futures trading market on energy, it allowed them to go out and speculate on energy contracts. What was the first result? In the early part of this decade we saw it happen in California. We saw the electricity contracts start a runup in speculative bidding, to which it went up—the cost of electricity—by as high as 300 percent in California. Once that started to unravel, then we know what happened: Enron started to unravel with all the shenanigans that had gone on there.

But here we are 7 and 8 years later, after the law was changed, and we haven't been able to get it changed back because people come out here and say: Oh, it is supply and demand in the world market for oil, and they come up with a simple slogan, as if that was going to handle the price of oil when it was hitting \$147 and translated into about \$4-gallon-gasoline. Their simple little slogan was “drill baby, drill,” as

if that were going to solve the problem of the price of gasoline and the price of oil.

But now we hear—and people are starting to pay attention—we ought to reregulate this futures commodities trading. Now, what do we mean by regulate? I am talking about simple little things, such as you would have to use the oil that you are bidding on, such as an airline does. It locks in a future price for fuel by bidding on these future oil contracts. An airline, in fact, does use oil. By taking away the regulation, they have removed that ability. Or to give another example of regulation: A Commodities Futures Trading Commission could say you have to put a certain amount of money down if you are going to buy a future oil contract. Instead of getting it with nothing down, you have to put some skin in the game. But if you completely deregulate it, what you leave it to is the speculator to go in and bid that price up and up and up.

Now, this is what we have been saying on the floor of this Senate for the last 6 or 8 months, a number of us—Senator DORGAN, Senator CANTWELL, this Senator, and several other Senators—but it has been hard to get an audience that would listen. Well, no less a respected institution than CBS News “60 Minutes” last Sunday night broke it open and put it about as clearly as I have ever heard in posing this question: Did speculation fuel oil price swings?

And what they concluded was that 6 months ago, when oil hit its alltime high of \$147, and gas was up around \$4 a gallon, it created a frenzy that fed into irrational and false claims that the problem was just supply and demand and that the solution was to drill for more oil.

Well, it looks a lot different now. That frenzy that got mixed up in Presidential politics as well, with those simplified mantras of “drill baby, drill,” fueled by a slick public relations campaign, that was funded by deep-pocket oil companies. Yet those same oil companies testified in the spring of 2008 that if supply and demand were the sole driver of oil prices, that oil should cost no more than \$55 a barrel. We had executives of two of the big major oil companies say the normal laws of supply and demand would say that oil ought to be in the range of \$55 to \$65 a barrel, and they testified, this Senator thinks, correctly.

So ask yourself: Could supply and demand justify the wild swings in prices? And in that one instance where oil jumped \$25 in 1 day for a barrel of oil, ask yourself: Could the new oil demands by China and India, that have needs for new oil products, could that have suddenly caused that price to jump so much in a single day? And the answer, clearly, is: No. It was speculation that caused that bubble to grow. Wall Street investors shifted billions of dollars out of the stock market and into the commodities futures market

and ultimately into oil, and that is what was the biggest driver of running up the price of oil and gasoline.

What is even more powerful in demonstrating the influence of speculators on oil prices is examining what happened to those prices after we in the Senate, and down at the other end of the Capitol in the House, started threatening regulation again. Well, guess what happened. The prices went down. When Wall Street experienced a financial meltdown with the collapse of Lehman Brothers and the near collapse of AIG, prices fell even more as the Wall Street speculators got out of the oil futures markets to the tune of \$70 billion. The speculative bubble in commodities, which was not only energy but agricultural commodities, all of a sudden bubble popped.

Demand for oil in the United States is down by 5 percent, but the price of oil is down 75 percent. So we shouldn't be fooled by the drop in prices. Some financial analysts, fortunately, are not fooled by the drop in prices. They are advising investors that low oil prices are a temporary phenomenon and that oil prices will average above \$75 a barrel over the next 5 years.

Well, a number of us, months ago, filed a bill to stop the trading of oil and other energy commodities on the unregulated exchanges, and what the bill does is it turns the clock back to a change in law that was pushed by the Enron Corporation, known as the Enron loophole, which opened the way for a flood of speculative money in these commodity markets. I am introducing that bill again today, and I seek our colleagues' support.

We must be vigilant to ensure that Wall Street investors do not take advantage of the lax regulation to reap profits by driving up the price of oil and making driving a lot more expensive for the rest of us. Let us remember that we saw what happened with another form of unregulated financial instruments. That was those insurance policies that had a fancy name, called credit default swaps. They were unregulated. Look what happened: The collapse of AIG that had to come in to the tune of upward of a \$100 billion rescue from the Federal Government. I don't believe it is simple coincidence that the same legislation that let those credit default swaps escape regulation also allowed energy traders to conduct their business in the shadows. We need to bring that industry out of the darkness and into the full light of day.

Mr. President, I wish to quote a couple lines from this Sunday's interview on CBS News "60 Minutes." A representative of the Petroleum Marketers Association is interviewed, a Mr. Gilligan, and he says:

Approximately 60 to 70 percent of the oil contracts in the futures markets are now held by speculative entities, not by the companies that need oil, not by the airlines, not by the oil companies, but by investors that are looking to make money from their speculative positions.

Now, that is a representative of the oil companies that said that. Further-

more, the investigative reporter, Steve Kroft, quotes a fellow named Michael Masters, and he states:

In a five-year period, Masters said the amount of money institutional investors, hedge funds and the big Wall Street banks had placed in the commodities markets went from \$13 billion to \$300 billion. Last year, 27 barrels of crude were being traded every day on the New York Mercantile Exchange for every 1 barrel of oil that was actually being consumed in the United States.

That is Mr. Kroft's analysis on "60 Minutes," and he was referring to a former Wall Street trader named Michael Masters.

I wish to end by further quoting Mr. Kroft from 60 Minutes:

A recent report out of MIT analyzing world oil production and consumption also concluded that the basic fundamentals of supply and demand could not have been responsible for last year's runup in oil prices.

Another quote from an interviewee: "From quarter four of '07 until the second quarter of '08"—that is a 6-month period—"the Energy Information Administration said that supply went up, worldwide supply went up, and worldwide demand went down . . . This was the period of the spike" in oil prices "so you had the largest price increase in history during a time when actual demand was going down and actual supply was going up during that same period. The only thing that makes sense that lifted the price was investor demand"—in other words, the speculators making an artificial demand.

I think it is clear. That is why I am introducing this legislation. I look forward with great optimism to the passage of this kind of legislation.

Mr. President, I ask unanimous consent that the text of the bill and a "60 Minutes" transcript be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 221

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REGULATION OF ENERGY COMMODITIES.

(a) DEFINITIONS.—Section 1a of the Commodity Exchange Act (7 U.S.C. 1a) is amended—

(1) by redesignating paragraphs (13) through (34) as paragraphs (14) through (35), respectively;

(2) by inserting after paragraph (12) the following:

"(13) ENERGY COMMODITY.—The term 'energy commodity' includes—

- "(A) crude oil;
- "(B) natural gas;
- "(C) heating oil;
- "(D) gasoline;
- "(E) metals;
- "(F) construction materials;
- "(G) propane; and
- "(H) other fuel oils.";

(3) by striking paragraph (15) (as redesignated by paragraph (1)) and inserting the following:

"(15) EXEMPT COMMODITY.—The term 'exempt commodity' means a commodity that is not—

- "(A) an agricultural commodity;
- "(B) an energy commodity; or

"(C) an excluded commodity.".

(b) CURRENT AGRICULTURAL COMMODITIES.—Section 5(e)(1) of the Commodity Exchange Act (7 U.S.C. 7(e)(1)) is amended by striking "agricultural commodity enumerated in section 1a(4)" and inserting "agricultural commodity or an energy commodity".

(c) CONFORMING AMENDMENTS.—

(1) Section 2(c)(2)(B)(i)(II)(cc) of the Commodity Exchange Act (7 U.S.C. 2(c)(2)(B)(i)(II)(cc)) is amended—

(A) in subitem (AA), by striking "section 1a(20)" and inserting "section 1a(21)"; and

(B) in subitem (BB), by striking "section 1a(20)" and inserting "section 1a(21)".

(2) Section 13106(b)(1) of the Food, Conservation, and Energy Act of 2008 is amended by striking "section 1a(32)" and inserting "section 1a".

(3) Section 402 of the Legal Certainty for Bank Products Act of 2000 (7 U.S.C. 27) is amended—

(A) in subsection (a)(7), by striking "section 1a(20)" and inserting "section 1a"; and

(B) in subsection (d)—

(i) in paragraph (1)(B), by striking "section 1a(33)" and inserting "section 1a"; and

(ii) in paragraph (2)(D), by striking "section 1a(13)" and inserting "section 1a".

THE PRICE OF OIL—HISTORIC OIL PRICES WERE RESULT OF FINANCIAL SPECULATION FROM WALL STREET AND NOT SUPPLY AND DEMAND

Steve Kroft: About the only economic break most Americans have gotten in the last six months has been the drastic drop in the price of oil, which has fallen even more precipitously than it rose. In a year's time, a commodity that was theoretically priced according to supply and demand, doubled from \$69 a barrel to nearly \$150. And then, in a period of just three months, crashed along with the stock market. So what happened? It's a complicated question, and there are lots of theories. But many people believe it was a speculative bubble, not unlike the one that caused the housing crisis, and that it had more to do with traders and speculators on Wall Street than with oil company executives or sheiks in Saudi Arabia.

(Oil refinery; workers at refinery; stock market traders on floor; New York Mercantile Exchange; trading screen; farmer working field; corn; airplane; trading screen; oil refinery)

(Voiceover) To understand what happened to the price of oil, you first have to understand the way it's traded. For years it's been bought and sold on something called the commodities futures market. Here at the New York Mercantile Exchange, it's traded alongside cotton and coffee, copper and steel by brokers who buy and sell contracts to deliver those goods at a certain price at some date in the future. It was created so that farmers could gauge what their unharvested crops would be worth months in advance so that factories could lock in the best price for raw materials, and airlines could manage their fuel costs. But more than a year ago, that market started to behave erratically. And when oil doubled to more than \$147 a barrel, no one was more suspicious than Dan Gilligan.

Mr. Dan Gilligan: We have to make sure that the futures market is an honest market.

(Dan Gilligan speaking; men listening to Gilligan; oil tanker; Gilligan; crowd talking to Gilligan; stock market traders)

Kroft: (Voiceover) As the president of the Petroleum Marketers Association, he represents more than 8,000 retail and wholesale suppliers, everyone from home heating oil companies to gas station owners. When we talked to him last summer, his members were getting blamed for gouging the public,

even though their costs had also gone through the roof. He told us the problem was in the commodities markets, which had been invaded by a new breed of investor.

Mr. Gilligan: Approximately 60 to 70 percent of the oil contracts in the futures markets are now held by speculative entities, not by companies that need oil, not by the airlines, not by the oil companies, but by investors that are looking to make money from the speculative positions.

Kroft: They don't actually take delivery of the oil?

Mr. Gilligan: No, no.

Kroft: All they do is—

Mr. Gilligan: All they do is buy the paper and hope that they can sell it for more than they paid for it before they have to take delivery.

Kroft: They're trying to make money on the market for oil?

Mr. Gilligan: Absolutely, on the volatility that exists in the market. They make it going up and down.

(Sean Cota unhooking hose from truck; Cota filling tank; calculator)

Kroft: (Voiceover) He says his members in the home heating oil business, like Sean Cota of Bellows Falls, Vermont, were the first to notice the effects a few years ago, when prices seemed to disconnect from the basic fundamentals of supply and demand. Cota says there was plenty of product at the supply terminals, but the prices kept going up and down.

Mr. Sean Cota: We've had three price changes during the day where we pick up products, actually don't know what we paid for, and we'll go out and we'll sell that to the retail customer, guessing at what the price was. The volatility is being driven by the huge amounts of money and the huge amounts of leverage that is going into these markets.

(Michael Masters at desk; computer screen)

Kroft: (Voiceover) About the same time hedge fund manager Michael Masters reached the same conclusion. Masters' expertise is in tracking the flow of investments into and out of financial markets, and he noticed huge amounts of money leaving stocks for commodities and oil futures, most of it going into index funds, betting that the price of oil was going to go up.

Who was buying this paper oil, pension fund?

Mr. Michael Masters: California pension fund, Harvard endowment, lots of large institutional investors. And by the way, other investors, hedge funds, Wall Street trading desk, were following right behind them putting money, sovereign wealth funds were putting money in the futures markets, as well. So you had all these investors putting money in the futures markets, and that was driving the price up.

(New York Stock Exchange; stock traders; oil refinery)

Kroft: (Voiceover) In a five-year period, Masters said the amount of money institutional, investors, hedge funds and the big Wall Street banks had placed in the commodities markets went from \$13 billion to 300 billion. Last year, 27 barrels of crude were being traded every day on the New York Mercantile Exchange for every one barrel of oil that was actually being consumed in the United States.

Mr. Masters: We talked to the largest physical trader of crude oil, and they told us that, compared to the size of the investment inflows—and remember, this is the largest physical crude oil trader in the United States—they said that, "We are basically a flea on an elephant," that that's how big these flows were.

(Senate hearings; Lawrence Eagles)

Kroft: (Voiceover) Yet when Congress began holding hearings last summer and asked Wall Street banker Lawrence Eagles of JPMorgan what role excessive speculation played in rising oil prices, the answer was little to none.

Mr. Lawrence Eagles: We believe that high energy prices are fundamentally a result of supply and demand.

(JPMorgan building; e-mail; oil refinery; oil tank; oil register)

Kroft: (Voiceover) As it turns out, not even JPMorgan's chief global investment officer agreed with him. The same day that Eagles testified, this e-mail went out to clients, saying "an enormous amount of speculation" ran up the price, and "\$140 in July was ridiculous." If anyone had any doubts, they were dispelled a few days after that hearing, when the price of oil jumped \$25 in a single day.

September 22nd.

Mr. Michael Greenberger: September 22nd. (Michael Greenberger; CFTC building; oil pipelines)

Kroft: (Voiceover) Michael Greenberger, a former director of trading for the Commodity Futures Trading Commission, the federal agency that oversees oil futures, says there were no supply disruptions that could have justified such a big increase.

Mr. Greenberger: Did China and India suddenly have gigantic needs for new oil products in a single day? No. Everybody agrees supply-demand could not drive the price up \$25, which was a record increase in the price of oil. The price of oil went from somewhere in the 60s to \$147 in a—less than a year. And we were being told on that runup, it's supply-demand, supply-demand, supply-demand.

(Oil refinery; Masters; woman talking; Masters)

Kroft: (Voiceover) A recent report out of MIT analyzing world oil production and consumption also concluded that the basic fundamentals of supply and demand could not have been responsible for last year's runup in oil prices. And Michael Masters says the US Department of Energy's own statistics showed that if the markets had been working properly the price of oil should have been going down, not up.

Mr. Masters: From quarter four of '07 until the second quarter of '08, the EIA, the Energy Information Administration said that supply went up, worldwide supply went up, and worldwide demand went down. So you have supply going up and demand going down, which generally means that price is going down.

Kroft: And this was the period of the spike?

Mr. Masters: This was the period of the spike. So you had the largest price increase in history during a time when actual demand was going down and actual supply was going up during the same period. However, the only thing that makes sense that lifted the price was investor demand.

(Oil refinery; buildings)

Kroft: (Voiceover) Masters believes the investor demand for commodities and oil futures in particular, was created on Wall Street by hedge funds and the big Wall Street investment banks like Morgan Stanley, Goldman Sachs, Barclays and JPMorgan, who made billions investing hundreds of billions of dollars of their clients' money.

Mr. Masters: The investment banks facilitated it. You know, they found folks to write papers espousing the benefits of investing in commodities. And then they promoted commodities as a, quote-unquote, "asset class." Like, you could invest in commodities just like you could in stocks or bonds or anything else, like they were suitable for long-term investment.

(Gilligan)

Kroft: (Voiceover) Dan Gilligan of the Petroleum Marketers Association agreed.

Are you saying that companies like Goldman Sachs and Morgan Stanley and Barclays have as much to do with the price of oil going up as Exxon or Shell?

Mr. Gilligan: Oh, absolutely. Yes. I tease people sometimes that, you know, people say, "Well, who's the largest oil company in America?" And they'll always say "Well, ExxonMobil or Chevron or BP." But I'll say, "no, Morgan Stanley."

(Morgan Stanley building; flow chart of Morgan Stanley ownerships)

Kroft: (Voiceover) Morgan Stanley isn't an oil company in the traditional sense of the word. It doesn't own or control oil wells or refineries or gas stations. But according to documents filed with the Securities and Exchange Commission, Morgan Stanley is a significant player in the wholesale market through various entities controlled by the corporation.

It not only buys and sells the physical product through subsidiaries and companies that it controls, Morgan Stanley has the capacity to store and hold 20 million barrels. These storage tanks behind me in New Haven, Connecticut, hold Morgan Stanley heating oil bound for homes in New England, where it controls nearly 15 percent of the market.

(Building; oil refinery; pipeline; storage terminals; men walking; buildings; barge; oil storage tank)

Kroft: (Voiceover) The Wall Street bank Goldman Sachs also has huge stakes in companies that own a refinery in Coffeyville, Kansas, and control 43,000 miles of pipeline and more than 150 storage terminals. And analysts at both investment banks contributed to the oil frenzy that drove prices to record highs. Goldman's top oil analyst predicted last March that the price of a barrel was going to \$200. Morgan Stanley predicted \$150 a barrel. Both companies declined our requests for an interview, but maintain that their oil businesses are completely separate from their trading activities, and that neither influence the independent opinions of their analysts. There is no evidence that either company has done anything illegal.

Is there price manipulation going on?

Mr. Gilligan: I can't say. And the reason I can't say is because nobody knows. Our federal regulators don't have access to the data. They don't know who holds what positions.

Kroft: Why don't they know?

Mr. Gilligan: Why don't they know?

Kroft: Yeah.

Mr. Gilligan: Because federal law doesn't give them the jurisdiction to find out.

(Oil storage; oil refinery; pipeline; Wall Street sign; American flags; Capitol building; stock exchange)

Kroft: (Voiceover) It's impossible to tell exactly who is buying and selling all those oil contracts because most of the trading is now conducted in secret, with no public scrutiny or government oversight. Over time, the big Wall Street banks were allowed to buy and sell as many oil contracts as they wanted for their clients, circumventing regulations intended to limit speculation. And in 2000, Congress effectively deregulated the futures market, granting exemptions for complicated derivative investments called oil swaps, as well as electronic trading on private exchanges.

Who is responsible for deregulating the oil future market?

Mr. Greenberger: You'd have to say Enron. This was something they desperately wanted and they got.

(Greenberger; CFTC building; Enron; people at desks)

Kroft: (Voiceover) Michael Greenberger, who wanted more regulation while he was at

the Commodity Futures Trading Commission, not less, says it all happened when Enron was the seventh largest corporation in the United States.

Mr. Greenberger: (Voiceover) This was when Enron was riding high, and what Enron wanted, Enron got.

Kroft: Why did they want a deregulated market in oil futures?

(Traders at desks; spreadsheet; man at computer)

Mr. Greenberger: Because they wanted to establish their own little energy futures exchange through computerized trading.

(Voiceover) They knew that if they could get this trading engine established without the controls that had been placed on speculators, they would have the ability to drive the price of energy products in any way they wanted to take it.

When Enron failed, we learned that Enron and its conspirators who used their trading engine were able to drive the price of electricity up, some say by as much as 300 percent, on the West Coast.

Kroft: Is the same thing going on right now in the oil business?

Mr. Greenberger: Every Enron trader who knew how to do these manipulations became the most valuable employee on Wall Street.

(Oil rig; stock market ticker; oil rig in ocean)

Kroft: (Voiceover) But some of them may now be looking for work. The oil bubble began to deflate early last fall when Congress threatened new regulations and federal agencies announced they were beginning major investigations. It finally popped with the bankruptcy of Lehman Brothers and the near collapse of AIG, who were both heavily invested in the oil markets. With hedge funds and investment houses facing margin calls, the speculators headed for the exits.

Mr. MASTERS: From July 15th until the end of November, roughly \$70 billion came out of commodities futures from these index funds. In fact, gasoline demand went down by roughly 5 percent over that same period of time. Yet the price of crude oil dropped more than \$100 a barrel. It dropped 75 percent.

Kroft: How do you explain it?

Mr. Masters: By looking at investors. That's the only way you can explain it.

Kroft: The regulatory lapses in the commodities market that many believe fomented the rapid speculation in oil have still not been addressed, although the incoming Obama administration has promised to do so.

By Mr. FEINGOLD:

S. 222. A bill to amend the Internal Revenue Code of 1986 to increase the national limitation on qualified energy conservation bonds and to clarify that certain programs constitute a qualified conservation purpose, and for other purposes; to the Committee on Finance.

Mr. FEINGOLD. Mr. President, over the past few days I have introduced a series of bills that are part of my E4 Initiative, dubbed E4 because of its focus on economy, employment, education, and energy. Today I am introducing two bills that are part of this effort: the Community Revitalization Energy Conservation, CREC, Act of 2009 and the Energy and Technology Advancement, ETA, Act of 2009.

The newest among my E4 bills is the Community Revitalization Energy Conservation, CREC, Act of 2009. This bill will increase the amount of funding available to State and local govern-

ments for the rehabilitation and revitalization of the fledgling green economy, and also expand the types of eligible projects to cover energy efficiency improvements to privately owned buildings. While our country is facing its greatest economic challenge since the Great Depression, we have a tremendous opportunity to create jobs critical to addressing the energy challenges we face. The CREC Act amends the recently authorized Qualified Energy Conservation Bond, QECB, program to increase funding for important public-private partnerships to significantly invest in energy efficiency and conservation, a key national priority. It also offers States and local governments the opportunity to create jobs and stimulate their local economies.

First, my bill will more than quadruple the amount of bonds that can be issued under the Qualified Energy Conservation Bond program—increasing the program from \$800 million to \$3.6 billion. This will provide the opportunity for private investors to partner with State and local governments to fund energy investments through State and locally issued tax credit bonds. As we give private investors the opportunity to participate in the green economy through Qualified Energy Conservation Bonds, we signal to the market that the Federal Government will continue to affirm the importance of investment in energy efficiency and conservation, as well as the development of new energy technologies. Helping these new energy technologies thrive is not only a promising way to develop the next generation of energy technology to reduce our energy consumption, it will also help to spur job creation as State and local governments embark on capital improvements.

Increasing the size of the program will support funding for eligible projects including energy efficiency improvements of publicly owned buildings; rural development of electricity from renewable sources; research facilities or grants for renewable technologies such as advanced automobile battery technology and nonfossil fuels; mass commuting facilities that reduce energy consumption; or financing qualified energy production projects such as wind, biomass, geothermal, landfill gas, and solar.

Secondly, my bill expands the types of eligible programs to ones that reduce energy consumption in privately owned buildings. It would allow States and local governments to help homeowners and businesses make improvements such as heating-fuel saving measures; electricity-saving measures; on-site renewable energy generating devices; or water-saving measures that reduce the energy use of the owner, renter or water provider. Gains in efficiency savings between 20-30 percent are easily achievable through improving lighting, insulation, HVAC equipment and controls for these items. These measures are often one-time and

low maintenance or maintenance free once they have been installed. In terms of costs, implementing efficiency measures only costs about 3 cents per kWh of energy saved while implementing wind and solar projects can cost at least two to three times more.

Importantly, my bill will increase the success of these energy efficiency and conservation programs by ensuring the Qualified Energy Conservation Bond program can be used to promote novel payment structures in order to reduce the prohibitive upfront costs that homeowners and businesses must pay for energy efficiency and conservation upgrades. By eliminating expensive up-front costs for homeowners and businesses, we can eliminate one of the main obstacles to making significant energy efficiency gains. Furthermore, we can virtually eliminate what homeowners and businesses have to pay for the efficiency and conservation upgrades by not increasing their out-of-pocket expenses. For example, States and local governments can work with electric and water utilities to bill individuals or businesses monthly for the cost of the efficiency improvements based on the savings they receive. The payment for the efficiency improvements each month will be no more than the monthly energy-savings realized by the improvements, thereby keeping their monthly payments the same as before the energy improvements.

The Center on Wisconsin Strategy states that buildings account for 40 percent of total U.S. energy consumption, 70 percent of U.S. electricity consumption, and 43 percent of U.S. carbon emissions, a larger share than either transportation or industry. It is possible that the U.S. could realize more than \$200 billion in annual savings from improved building efficiency alone. However, one of the challenges associated with implementing building efficiency measures is its prohibitive cost. Unfortunately, poor households devote a disproportionate share of income to home energy costs, often upwards of 10 percent, because they have less income and tend to live in less efficient buildings and use less efficient appliances. Through building retrofits we have the potential to generate about 10 person years of employment in direct installation of efficiency measures and another 3-4 person years in the production of relevant materials for every \$1 million spent on retrofits.

Large cities and counties with populations over 100,000 would be eligible for Wisconsin's share, \$65.7 million, that my bill would allow for. Eligible local governments in Wisconsin include: Milwaukee, Madison, Green Bay, and the counties of Milwaukee, Dane, Waukesha, Brown, Racine, Outagamie, Kenosha, Winnebago, Rock, Marathon, Washington, Sheboygan, La Crosse, and Walworth.

I commend the city of Milwaukee and the Center on Wisconsin Strategy—they have already begun to develop a

program to address retrofitting residential buildings with energy efficiency measures through Me2—Milwaukee Energy Efficiency. COWS' initial estimates suggest if you could retrofit nearly all of the existing housing stock in Milwaukee, an initial investment of just under \$250 million could result in annual energy savings of over \$80 million. Examples of other cities that are tackling the issue of energy efficiency in residential buildings include Berkeley, CA; Babylon, NY; and Brookhaven, NY.

All of these efforts to conserve energy require investments in time and money. By combining efforts on two of the challenges that we currently face—energy and employment—we can create great opportunities. Energy efficiency and conservation are in our national interest for our long term economic well-being, for the health and safety of our citizens and the world as we mitigate the effects of climate change, and for our independence and security.

I have urged the Treasury Department to quickly issue regulations for the Qualified Energy Conservation Bonds so the initial program can get up and running. Once regulations are finalized, States and local governments can begin applying to receive an allotment of the bonds to pursue projects that may have been shelved in our struggling economy.

The second energy bill I am introducing as part of my E4 Initiative is the Energy and Technology Advancement Act. This bill will increase partnerships between the Federal Government and businesses to help spur the commercialization of energy, forestry, and other technologies—in other words, to increase the ETA, or estimated time of arrival, for bringing new technologies to market.

Particularly in the area of energy, we must do more to make new energy solutions, like next generation biofuels, a reality. My bill will help make the Federal Government a better business partner for the many businesses that are researching and developing innovative technology solutions our country needs. We are squandering the Federal investment of billions into research and development by not doing enough to prevent new technologies from sitting on the shelf or being shipped to another country. Helping these new energy technologies get off the ground is not only a promising way to develop the next generation of energy technology that will help break our addiction to oil, it will also help to spur job creation and enhance rural development.

One obstacle identified by the Forest Service's Wisconsin-based Forest Products Lab which conducts forestry and energy technology research with businesses and others, is lack of Federal support for moving technologies from the research and development phase to commercialization. My bill will bridge this gap by authorizing the U.S. Department of Agriculture, USDA, which

includes the Forest Service, to work with businesses and provide access to resources to assist with getting technologies to market.

By encouraging the USDA to act as a "business incubator," we can increase the rate of success and reduce the length of time for bringing technologies to the market. By providing a bridge to move new technologies beyond the research and development phase to commercialization, the Federal Government will accelerate the development of new technologies and create increased opportunities for small businesses, local and State government, and others.

All energy, forestry, and other technologies will benefit from my ETA Act because it will help new technologies come to the market. It does so by promoting the Federal Government as a better business incubator, encouraging the USDA to provide business support services, and authorizing USDA employees and private-sector employees to work together in Federal or private experimental or product facilities. My bill will also increase cooperation between the Federal Government and innovative businesses by encouraging the USDA to allow rental of Federal equipment and property for the development of new technology.

Lastly, a specific partnership encouraged by my Energy and Technology Advancement Act will spur the commercialization of biofuels. My bill requires the USDA to pursue a bio-refinery pilot plant that will allow businesses to partner with the Federal Government to test various biofuels technologies derived from a variety of feedstocks, including woody and agriculture waste.

Certainly one of today's greatest challenges—energy—is also one of tomorrow's greatest opportunities. Today, the transportation sector accounts for 70% of our oil consumption. However, there are promising efforts to significantly lessen our dependence on oil by reducing fuel consumption through increased efficiency and by aggressively pursuing renewable fuels, or biofuels. The commercialization of biofuels will also create job opportunities, support rural development and industries such as forestry, and develop the next generation of fuels that are sustainable and from diverse sources.

Given our current dire fiscal situation, it is more important than ever that we are careful stewards of taxpayer dollars. Not only are both of these new bills fully offset, so as not to worsen our current Federal deficit; they actually provide over a billion dollars in deficit reduction. That's yet another reason to pass them, and I look forward to working with my colleagues to do just that.

By Mr. TESTER (for himself and Mr. BAUCUS):

S. 226. A bill to designate the Department of Veterans Affairs outpatient clinic in Havre, Montana, as the Mer-

rill Lundman Department of Veterans Affairs Outpatient Clinic; to the Committee on Veterans' Affairs.

Mr. TESTER. Mr. President, I rise today with my colleague Senator BAUCUS to introduce legislation honoring a Montana veteran named Merrill Lundman.

Merrill was not a general officer. He did not become famous in battle, or wealthy in his civilian life. After serving in the Army, he came home to north-central Montana to work on the family farm and, later, for 20 years for the BNSF railroad. Some people might say he was just an ordinary man who served his country in the Army for three years, and then came home to work to live most of his days on the Hi-Line, a strip of U.S. Highway 2 in Montana that cuts across the prairie near the northern border.

But because of Merrill Lundman, thousands of veterans in and around Havre, Montana, can expect to get their VA medical care a little bit closer to home. You see, for the last several years of his life, Merrill devoted his time and his energy to pushing the VA to open a new community based outpatient clinic in Havre. And today, his dream has become a reality.

I am sorry that Merrill Lundman is not with us today to celebrate this day. He died just over one year ago, on December 22, 2007. Less than a month later, the VA announced its intention to establish a clinic in Havre.

The data says that veterans who live in rural areas don't live as long—or as well—as their urban peers. That's because it's harder to get to the VA facility that may be hundreds of miles away—especially this time of year when snow and ice can make travel in Montana treacherous. I don't know if Merrill knew this, but he sensed that his fellow veterans were getting a raw deal, and he didn't hesitate to tell the VA and his congressional delegation.

The story of this clinic is a grass-roots effort led by one man who stood up for his fellow band of brothers to make sure that they can get the care that they have earned. And to honor that effort, Senator BAUCUS and I are proud to introduce this legislation, and I look forward to working with Chairman AKAKA to move this bill quickly through the Veterans' Affairs Committee.

By Mr. CARDIN (for himself, Mrs. CLINTON, Ms. MIKULSKI, and Mr. SCHUMER):

S. 227. A bill to establish the Harriet Tubman National Historical Park in Auburn, New York, and the Harriet Tubman Underground Railroad National Historical Park in Caroline, Dorchester, and Talbot Counties, Maryland, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. CARDIN. Mr. President, today I am proud to introduce The Harriet Tubman National Historical Park and The Harriet Tubman Underground

Railroad National Historical Park Act. I am joined by Mrs. CLINTON, Ms. MIKULSKI, and Mr. SCHUMER as original co-sponsors. We originally introduced nearly identical legislation last summer, but the press of legislative business did not allow for consideration of this important legislation. This year we will work for its prompt consideration and enactment.

The woman, who is known to us as Harriet Tubman, was born Araminta "Minty" Ross approximately 1822 in Dorchester County, Maryland. She spent nearly 30 years of her life as a slave on Maryland's Eastern Shore. As an adult she took the first name Harriet, and when she was 25 she married John Tubman.

Harriet Tubman escaped from slavery in 1849. She did so in the dead of night, navigating the maze of tidal streams and wetlands that are a hallmark of Maryland's Eastern Shore. She did so alone, demonstrating courage, strength and fortitude that became her hallmarks. Not satisfied with attaining her own freedom, she returned repeatedly for more than 10 years to the places of her enslavement in Dorchester and Caroline counties where, under the most adverse conditions, she led away many family members and other slaves to their freedom. Tubman became known as "Moses" by African-Americans and white abolitionists. She was perhaps the most famous and most important conductor in the network of resistance known as the Underground Railroad.

During the Civil War, Tubman served the Union forces as a spy, a scout and a nurse. She served in Virginia, Florida, and South Carolina. She is credited with leading hundreds of slaves from those slave States to freedom during those years.

Following the Civil War, Tubman settled in Auburn, NY. There she was active in the women's suffrage movement, and she also established the one of the first incorporated homes for aged African-Americans. In 1903 she bequeathed the home to the African Methodist Episcopal Zion Church in Auburn. Harriet Tubman died in Auburn in 1913 and she is buried there in the Fort Hill Cemetery.

Slaves were forced to live in primitive buildings even though many were skilled tradesmen who constructed the substantial homes of their owners. Not surprisingly, few of the structures associated with the early years of Tubman's life still stand. The landscapes of the Eastern Shore of Maryland, however, remain evocative of the time that Tubman lived there. Farm fields and forests dot the landscape, which is also notable for its extensive network of tidal rivers and wetlands. In particular, a number of properties including the homestead of Ben Ross, her father, Stewart's Canal, where he worked, the Brodess Farm, where she worked as a slave, and others are within the boundaries of the Blackwater National Wildlife Refuge.

Similarly, Poplar Neck, the plantation from which she escaped to freedom, is still largely intact in Caroline County. The properties in Talbot County, immediately across the Choptank River from the plantation, are today protected by various conservation easements. Were she alive today, Tubman would recognize much of the landscape that she knew intimately as she secretly led black men, women and children to their freedom.

In New York, on the other hand, many of the buildings associated with Tubman's life remain intact. Her personal home, as well as the Tubman Home for the Aged, the church and rectory of the Thompson Memorial AME Zion Episcopal Church, and the Fort Hill Cemetery are all extant.

In 1999, the Congress approved legislation authorizing a Special Resource Study to determine the appropriateness of establishing a unit of the National Park Service to honor Harriet Tubman. The Study has taken an exceptionally long time to complete, in part because of the lack of remaining structures on Maryland's Eastern Shore. There has never been any doubt that Tubman led an extraordinary life. Her contributions to American history are surpassed by few. Determining the most appropriate way to recognize that life and her contributions, however, as been more difficult. Eventually, the Park Service came to realize that determined that a Park that would include two geographically separate units would be appropriate. The New York unit would include the tightly clustered Tubman buildings in Auburn. The Maryland portion would include large sections of landscapes that are evocative of Tubman's time and are historically relevant. The Harriet Tubman National Historical Park and The Harriet Tubman Underground Railroad National Historical Park Act, S. 3383, was first introduced on July 31, 2008. The Special Resource Study will be finalized and released in the near future.

The legislation I am introducing today establishes two parks. The Harriet Tubman National Historical Park includes important historical structures in Auburn, New York. They include Tubman's home, the Home for the Aged that she established, the African Methodist Episcopal AME Zion Church, and the Fort Hill Cemetery where she is buried.

The Harriet Tubman Underground Railroad National Historical Park includes historically important landscapes in Dorchester, Caroline, and Talbot counties, Maryland, that are evocative of the life of Harriet Tubman. The Maryland properties include about 2,200 acres in Caroline County that comprise the Poplar Neck plantation that Tubman escaped from in 1849. The 725 acres of viewshed across the Choptank River in Talbot County would also be included in the Park. In Dorchester County, the parcels would not be contiguous, but would include about 2,775 acres. All of them are in-

cluded within the Blackwater National Wildlife Refuge boundaries or about that resource land. The National Park Service would not own any of these lands.

The bill authorizes \$11 million in grants for the New York properties for their preservation, rehabilitation, and restoration of those resources.

The bill authorizes an additional \$11 million in grants for the Maryland section. Funds can be used for the construction of the State Harriet Tubman Park Visitors Center and/or for easements or acquisition of properties inside or adjacent to the Historical Park boundaries.

Finally, the bill also authorizes a new grants program. Under the program, the National Park Service would award competitive grants to historically Black colleges and universities, predominately Black institutions, and minority serving institutions for research into the life of Harriet Tubman and the African-American experience during the years that coincide with the life of Harriet Tubman. The legislation authorizes \$200,000 annually for this scholarship program.

Harriet Tubman was a true American patriot. She was someone for whom liberty and freedom were not just concepts. She lived those principles and shared that freedom with hundreds of others. In doing so, she has earned a nation's respect and honor. That is why I am so proud to introduce this legislation, establishing the Harriet Tubman National Historical Park and the Harriet Tubman Underground Railroad National Historical Park.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 227

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Harriet Tubman National Historical Park and Harriet Tubman Underground Railroad National Historical Park Act".

SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) Harriet Tubman (born Araminta "Minty" Ross)—

(A) was born into slavery in Maryland around 1822;

(B) married John Tubman at age 25;

(C) endured through her youth and young adulthood the hardships of enslaved African-Americans; and

(D) boldly emancipated herself from bondage in 1849;

(2) not satisfied with attaining her own freedom, Harriet Tubman—

(A) returned repeatedly for more than 10 years to the places of her enslavement in Dorchester and Caroline Counties, Maryland; and

(B) under the most adverse circumstances led away many family members and acquaintances to freedom in the northern region of the United States and Canada;

(3) Harriet Tubman was—

(A) called "Moses" by African-Americans and white abolitionists; and

(B) acknowledged as 1 of the most prominent “conductors” of the resistance that came to be known as the “Underground Railroad”;

(4) in 1868, Frederick Douglass wrote that, with the exception of John Brown, Douglass knew of “no one who has willingly encountered more perils and hardships to serve our enslaved people” than Harriet Tubman;

(5) during the Civil War, Harriet Tubman—

(A) was recruited to assist Union troops as a nurse, a scout, and a spy; and

(B) served in Virginia, Florida, and South Carolina, where she is credited with facilitating the rescue of hundreds of enslaved people;

(6) Harriet Tubman established in Auburn, New York, 1 of the first incorporated homes for aged African-Americans in the United States, which, 10 years before her death, she bequeathed to the African Methodist Episcopal Zion Church;

(7) there are nationally significant resources comprised of relatively unchanged landscapes associated with the early life of Harriet Tubman in Caroline, Dorchester, and Talbot Counties, Maryland;

(8) there are nationally significant resources relating to Harriet Tubman in Auburn, New York, including—

(A) the residence of Harriet Tubman;

(B) the Tubman Home for the Aged;

(C) the Thompson Memorial AME Zion Church; and

(D) the final resting place of Harriet Tubman in Fort Hill Cemetery;

(9) in developing interpretive programs, the National Park Service would benefit from increased scholarship of the African-American experience during the decades preceding the Civil War and throughout the remainder of the 19th century;

(10) it is fitting and proper that the nationally significant resources relating to Harriet Tubman be preserved for future generations as units of the National Park System so that people may understand and appreciate the contributions of Harriet Tubman to the history and culture of the United States; and

(11) in addition to the properties and resources within the boundary of the Harriet Tubman Underground Railroad National Historical Park, other associated land within the Blackwater National Wildlife Refuge and proposed additions to the Refuge are—

(A) components of the nationally significant Harriet Tubman landscape; and

(B) essential to the visual, historical, and cultural experiences of the Historical Park.

(b) PURPOSES.—The purposes of this Act are—

(1) to preserve and promote stewardship of the resources in Auburn, New York, and Caroline, Dorchester, and Talbot Counties, Maryland, relating to the life and contributions of Harriet Tubman;

(2) to provide for partnerships with the African Methodist Episcopal Zion Church, the States of New York and Maryland, political subdivisions of the States, the Federal Government, local governments, nonprofit organizations, and private property owners for resource protection, research, interpretation, education, and public understanding and appreciation of the life and contributions of Harriet Tubman;

(3) to sustain agricultural and forestry land uses in Caroline, Dorchester, and Talbot Counties, Maryland, that remain evocative of the landscape during the life of Harriet Tubman; and

(4) to establish a competitive grants program for scholars of African-American history relating to Harriet Tubman, the Harriet Tubman historic landscape, and the Underground Railroad.

SEC. 3. DEFINITIONS.

In this Act:

(1) CHURCH.—The term “Church” means the Harriet Tubman Home, Inc., of the AME Zion Church located in Auburn, New York, which owns and manages—

(A) the Thompson Memorial AME Zion Church;

(B) the Harriet Tubman home;

(C) the Tubman Home for the Aged; and

(D) the land on which those facilities are located.

(2) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term “historically Black college or university” has the meaning given the term “part B institution” in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

(3) PREDOMINANTLY BLACK INSTITUTION.—The term “Predominantly Black Institution” has the meaning given the term in section 499A(c) of the Higher Education Act of 1965 (20 U.S.C. 1099e(c)).

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(5) VISITOR CENTER.—The term “Visitor Center” means the Harriet Tubman Underground Railroad State Park Visitor Center to be constructed under section 5(d).

SEC. 4. ESTABLISHMENT OF HARRIET TUBMAN NATIONAL HISTORICAL PARK.

(a) ESTABLISHMENT.—On the execution of easements with the Church, the Secretary shall—

(1) establish the Harriet Tubman National Historical Park (referred to in this section as the “Historical Park”) in the City of Auburn, New York, as a unit of the National Park System; and

(2) publish notice of the establishment of the Historical Park in the Federal Register.

(b) BOUNDARY.—

(1) IN GENERAL.—The Historical Park shall be comprised of structures and properties associated with the Harriet Tubman home, the Tubman Home for the Aged, the Church, and the Rectory, as generally depicted on the map entitled “Harriet Tubman National Historical Park—Proposed Boundary”, numbered [], and dated [].

(2) AVAILABILITY OF MAP.—The map described in paragraph (1) shall be available for public inspection in the appropriate offices of the National Park Service.

(c) ACQUISITION OF LAND.—The Secretary may acquire from willing sellers, by donation, purchase with donated or appropriated funds, or exchange, land or interests in land within the boundary of the Historical Park.

(d) FINANCIAL ASSISTANCE AND COOPERATIVE AGREEMENTS.—The Secretary may provide grants to, and enter into cooperative agreements with—

(1) the Church for—

(A) historic preservation of, rehabilitation of, research on, and maintenance of properties within the boundary of the Historical Park; and

(B) interpretation of the Historical Park;

(2) the Fort Hill Cemetery Association for maintenance and interpretation of the gravesite of Harriet Tubman; and

(3) the State of New York, any political subdivisions of the State, the City of Auburn, the Church, colleges and universities, and nonprofit organizations for—

(A) preservation and interpretation of resources relating to Harriet Tubman in the City of Auburn, New York;

(B) conducting research, including archaeological research; and

(C) providing for stewardship programs, education, public access, signage, and other interpretive devices at the Historical Park for interpretive purposes.

(e) INTERPRETATION.—The Secretary may provide interpretive tours to sites located outside the boundaries of the Historical Park in Auburn, New York, that include resources relating to Harriet Tubman.

(f) GENERAL MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this subsection, the Secretary, in cooperation with the Church, shall complete a general management plan for the Historical Park in accordance with section 12(b) of Public Law 91-383 (16 U.S.C. 1a-7(b)).

(2) COORDINATION.—The Secretary shall coordinate the preparation and implementation of the general management plan for the Harriet Tubman National Historical Park with—

(A) the Harriet Tubman Underground Railroad National Historical Park in Maryland; and

(B) the National Underground Railroad: Network to Freedom.

SEC. 5. ESTABLISHMENT OF THE HARRIET TUBMAN UNDERGROUND RAILROAD NATIONAL HISTORICAL PARK.

(a) ESTABLISHMENT.—There is established as a unit of the National Park System the Harriet Tubman Underground Railroad National Historical Park (referred to in this section as the “Historical Park”) in Caroline, Dorchester, and Talbot Counties, Maryland.

(b) BOUNDARY.—

(1) IN GENERAL.—The boundary of the Historical Park shall consist of certain landscapes and associated resources relating to the early life and enslavement of Harriet Tubman and the Underground Railroad, as generally depicted on the map entitled “Harriet Tubman Underground Railroad National Historical Park—Proposed Boundary”, numbered [], and dated [].

(2) ADDITIONAL SITES.—The Secretary, after consultation with landowners, the State of Maryland, and units of local government, may modify the boundary of the Historical Park to include additional resources relating to Harriet Tubman that—

(A) are located within the vicinity of the Historical Park; and

(B) are identified in the general management plan prepared under subsection (g) as appropriate for interpreting the life of Harriet Tubman.

(3) AVAILABILITY OF MAP.—On modification of the boundary of the Historical Park under paragraph (2), the Secretary shall make available for public inspection in the appropriate offices of the National Park Service a revised map of the Historical Park.

(c) ACQUISITION OF LAND.—The Secretary may acquire from willing sellers, by donation, purchase with donated or appropriated funds, or exchange, land or an interest in land within the boundaries of the Historical Park.

(d) GRANTS.—In accordance with section 7(b)(2), the Secretary may provide grants—

(1) to the State of Maryland, political subdivisions of the State, and nonprofit organizations for the acquisition of less than fee title (including easements) or fee title to land in Caroline, Dorchester, and Talbot Counties, Maryland, within the boundary of the Historical Park; and

(2) on execution of a memorandum of understanding between the State of Maryland and the Director of the National Park Service, to the State of Maryland for the construction of the Harriet Tubman Underground Railroad State Park Visitor Center on land owned by the State of Maryland in Dorchester County, Maryland, subject to the condition that the State of Maryland provide the Director of the National Park Service, at no additional cost, sufficient office space and exhibition areas in the Visitor Center to carry out the purposes of the Historical Park.

(e) FINANCIAL ASSISTANCE AND COOPERATIVE AGREEMENTS.—The Secretary may provide grants to, and enter into cooperative agreements with, the State of Maryland, political

subdivisions of the State, nonprofit organizations, colleges and universities, and private property owners for—

(1) the restoration or rehabilitation, public use, and interpretation of sites and resources relating to Harriet Tubman;

(2) the conduct of research, including archaeological research;

(3) providing stewardship programs, education, signage, and other interpretive devices at the sites and resources for interpretive purposes; and

(4)(A) the design and construction of the Visitor Center; and

(B) the operation and maintenance of the Visitor Center.

(f) **INTERPRETATION.**—The Secretary may provide interpretive tours to sites and resources located outside the boundary of the Historical Park in Caroline, Dorchester, and Talbot Counties, Maryland, relating to the life of Harriet Tubman and the Underground Railroad.

(g) **GENERAL MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Not later than 3 years after the date on which funds are made available to carry out this subsection, the Secretary, in coordination with the State of Maryland, political subdivisions of the State, and the United States Fish and Wildlife Service, shall complete a general management plan for the Historical Park in accordance with section 12(b) of Public Law 91-383 (16 U.S.C. 1a-7(b)).

(2) **COORDINATION.**—The Secretary shall coordinate the preparation and implementation of the general management plan for the Historical Park with—

(A) the Harriet Tubman National Historical Park in Auburn, New York;

(B) the National Underground Railroad Network to Freedom;

(C) the Maryland Harriet Tubman Underground Railroad State Park; and

(D) the Harriet Tubman Underground Railroad Byway in Dorchester and Caroline Counties, Maryland.

(3) **PRIORITY TREATMENT.**—The general management plan for the Historical Park shall give priority to, with the concurrence of the owner of the property, the adequate protection of, interpretation of, public appreciation for, archaeological investigation of, and research on Stewart's Canal, the Jacob Jackson home site, the Brodess Farm, the Ben Ross and Anthony Thompson properties on Harrisville Road, and the James Cook site, all of which are privately owned and located in the area identified as the "Harriet Tubman Historic Area" on the map described in subsection (b)(1).

(h) **BLACKWATER NATIONAL WILDLIFE REFUGE.**—

(1) **INTERAGENCY AGREEMENT.**—The Secretary shall ensure that, not later than 1 year after the date of enactment of this Act, the National Park Service and the United States Fish and Wildlife Service enter into an interagency agreement that—

(A) promotes and mutually supports the compatible stewardship and interpretation of Harriet Tubman resources at the Blackwater National Wildlife Refuge; and

(B) provides for the maximum level of cooperation between those Federal agencies to further the purposes of this Act.

(2) **EFFECT OF ACT.**—Nothing in this Act modifies, alters, or amends the authorities of the United States Fish and Wildlife Service in the administration and management of the Blackwater National Wildlife Refuge.

(i) **DUTIES OF OTHER FEDERAL ENTITIES.**—Any Federal entity conducting, supporting, permitting, or licensing activities directly affecting nationally significant land within the area identified as the "Harriet Tubman Historic Area" on the map described in subsection (b)(1) shall—

(1) consult and cooperate with the Secretary with respect to the activities;

(2) identify any alternatives with regard to the proposed activity affecting the Harriet Tubman Historic Area; and

(3) to the maximum extent practicable, conduct, support, permit, or license the activities in a manner that the Secretary determines would not have an adverse effect on the Harriet Tubman Historic Area.

SEC. 6. ADMINISTRATION.

(a) **IN GENERAL.**—The Secretary shall administer the Harriet Tubman National Historical Park and the Harriet Tubman Underground Railroad National Historical Park in accordance with this Act and the laws generally applicable to units of the National Park System including—

(1) the National Park Service Organic Act (16 U.S.C. 1 et seq.); and

(2) the Act of August 21, 1935 (16 U.S.C. 461 et seq.).

(b) **PARK REGULATIONS.**—Notwithstanding subsection (a), regulations and policies applicable to units of the National Park System shall apply only to Federal land administered by the National Park Service that is located within the boundary of the Harriet Tubman Underground Railroad National Historical Park.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There are authorized to be appropriated such sums as are necessary to carry out this Act (other than subsection (b)), including the provision of National Park Service personnel and National Park Service management funds for the Harriet Tubman National Historical Park and the Harriet Tubman Underground Railroad National Historical Park.

(b) **GRANTS.**—There are authorized to be appropriated not more than—

(1) \$11,000,000 to provide grants to the Church for—

(A) historic preservation, rehabilitation, and restoration of resources within the boundary of the Harriet Tubman National Historical Park; and

(B) the costs of design, construction, installation, and maintenance of exhibits and other interpretive devices authorized under section 4(d)(1)(B);

(2) \$11,000,000 for grants to the State of Maryland, political subdivisions of the State of Maryland, and nonprofit organizations for activities authorized under subsections (d)(1) and (e)(4)(A) of section 5; and

(3) \$200,000 for fiscal year 2010 and each fiscal year thereafter for competitive grants to historically Black colleges and universities, Predominately Black Institutions, and minority serving institutions for research into the life of Harriet Tubman and the African-American experience during the years that coincide with the life of Harriet Tubman.

(c) **COST-SHARING REQUIREMENT.**—

(1) **CHURCH AND VISITOR CENTER GRANTS.**—The Federal share of the cost of activities provided grants under paragraph (1) or (2) of subsection (b) and any maintenance, construction, or utility costs incurred pursuant to a cooperative agreement entered into under section 4(d)(1)(A) or section 5(e) shall not be more than 50 percent.

(2) **HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.**—The Federal share of the cost of activities provided assistance under subsection (b)(3) shall be not more than 75 percent.

(3) **FORM OF NON-FEDERAL SHARE.**—The non-Federal share required under this subsection may be in the form of in-kind contributions of goods or services fairly valued.

By Mr. BINGAMAN (for himself
and Mr. AKAKA):

S. 228. A bill to amend title XIX of the Social Security Act to permit

States, at their option, to require certain individuals to present satisfactory documentary evidence of proof of citizenship or nationality for purposes of eligibility for Medicaid, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President I rise today with my colleague Senator AKAKA to introduce legislation today designed to make several very important changes to current law to ensure that U.S. citizens receive the Medicaid to which they are entitled.

Since July 1, 2006, most U.S. citizens and nationals applying for or renewing their Medicaid coverage face a new Federal requirement to provide documentation of their citizenship status. Recent reports indicate that tens-of-thousands of U.S. citizens, and in particular children, inappropriately are being denied Medicaid benefits simply because they don't have access to newly required documentation. The articles below and report by the Center on Budget and Policy Priorities highlight this very serious problem. Hospitals, physicians, and pharmacies may not be willing to treat these individuals until they have a source of payment, but they cannot qualify for Medicaid until they produce a birth certificate and ID.

This new Federal requirement was added to Medicaid by the Deficit Reduction Act of 2005, DRA, enacted February 8, 2006. The Tax Relief and Health Care Act of 2006, TRHCA, signed into law December 20, 2006, included some amendments to the DRA citizenship documentation requirement, primarily to exempt certain groups. Prior to enactment of the DRA, states were permitted to use their discretion in requiring such citizenship documentation.

Under Section 6036 of the DRA, citizens applying for or renewing their Medicaid coverage must provide "satisfactory documentary evidence of citizenship or nationality." The DRA specifies documents that are acceptable for this purpose and authorizes the HHS Secretary to designate additional acceptable documents. No Federal matching funds are available for services provided to individuals who declare they are citizens or nationals unless the state obtains satisfactory evidence of their citizenship or determines that they are subject to a statutory exemption.

According to a CRS Report for Congress updated April 15, 2008, "Based on a recent survey by the Government Accountability Office, GAO, 22 of 44 states report declines in enrollment due to the new citizenship documentation requirement. Based on another survey by the Kaiser Commission on Medicaid and the Uninsured, 13 states report a significant negative impact on enrollment and another 24 states report a modest impact. Among seven states detailed in an earlier report from the Center on Budget and Policy Priorities, only Wisconsin has a data system that

can identify denials and terminations due to a lack of citizenship documentation, and it reports that about 19,000 people had their Medicaid eligibility denied or terminated for this reason between July 31, 2006, and March 1, 2007."

A second wave study conducted from September 2007–March 2008 by the Department of Health Policy at the George Washington University School of Public Health published October 2008, "Another distressing finding is the impact the citizenship documentation requirements appear to be having on SCHIP. Many states, for important reasons, use joint applications for both Medicaid and separate SCHIP programs. The effect, however, is to apply the citizenship documentation requirements to both programs, thereby delaying coverage for both groups of children."

"Even if most or all of the reported Medicaid enrollment declines are due to the citizenship documentation requirement, a key question is whether the people who are being denied, terminated, or deterred from applying are U.S. citizens, rather than unauthorized aliens or other ineligible noncitizens. Of the 22 states reporting enrollment declines to GAO, a majority (16 states) attribute them to Medicaid coverage delays or losses for people who appear to be U.S. citizens."

It is important to note that citizenship documentation requirements do not affect Medicaid rules relating to immigrants—they apply to individuals claiming to be citizens. Most new legal immigrants are excluded from Medicaid during their first five years in the U.S. and undocumented immigrants remain eligible for Medicaid emergency services only.

The legislation I am introducing would make several very important changes to current law to ensure that U.S. citizens receive the Medicaid to which they are entitled.

First, the legislation would restore citizenship verification to a state option. Specifically, states would be permitted to determine when and to what extent citizenship verification is required of U.S. Citizens. States would also be permitted to utilize the standards most appropriate to the their population as long as such standards were no more stringent than those currently used by the Social Security Administration and includes native American tribal documents when appropriate.

Second, the legislation would ensure that individuals are afforded a reasonable time period to provide citizenship documentation utilizing the same reasonable time period standard that is available to legal immigrants to provide satisfactory evidence of their immigration status.

Third, the legislation protects children who are U.S. citizens by virtue of being born in the United States from being denied coverage after birth because of citizenship verification requirements.

Fourth, the legislation also clarifies ambiguities in Federal law to ensure that these citizen children, regardless of the immigration status of their parents, are treated like all other low-income children born in the United States and are deemed eligible to receive Medicaid services for one year.

Finally, the legislation also ensures that the thousands of citizen children and adults, who were erroneously denied Medicaid coverage, may receive retroactive Medicaid eligibility for coverage they were inappropriately denied because of citizenship verification requirements.

I urge my colleagues in the Senate to support this critical legislation, which protects low-income U.S. citizens from being inappropriately denied Medicaid coverage because of lack of documentation.

Mr. President, I ask unanimous consent that the text of the bill and letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 228

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STATE OPTION TO REQUIRE CERTAIN INDIVIDUALS TO PRESENT SATISFACTORY DOCUMENTARY EVIDENCE OF PROOF OF CITIZENSHIP OR NATIONALITY FOR PURPOSES OF ELIGIBILITY FOR MEDICAID.

(a) IN GENERAL.—Section 1902(a)(46) of the Social Security Act (42 U.S.C. 1396a(a)(46)) is amended—

- (1) by inserting "(A)" after "(46)";
- (2) by adding "and" after the semicolon; and
- (3) by adding at the end the following new subparagraph:

"(B) at the option of the State and subject to section 1903(x), require that, with respect to an individual (other than an individual described in section 1903(x)(1) who declares to be a citizen or national of the United States for purposes of establishing initial eligibility for medical assistance under this title (or, at State option, for purposes of renewing or re-determining such eligibility to the extent that such satisfactory documentary evidence of citizenship or nationality has not yet been presented), there is presented satisfactory documentary evidence of citizenship or nationality of the individual (using criteria determined by the State, which shall be no more restrictive than the criteria used by the Social Security Administration to determine citizenship, and which shall accept as such evidence a document issued by a federally-recognized Indian tribe evidencing membership or enrollment in, or affiliation with, such tribe (such as a tribal enrollment card or certificate of degree of Indian blood, and, with respect to those federally-recognized Indian tribes located within States having an international border whose membership includes individuals who are not citizens of the United States, such other forms of documentation (including tribal documentation, if appropriate) that the Secretary, after consulting with such tribes, determines to be satisfactory documentary evidence of citizenship or nationality for purposes of satisfying the requirement of this subparagraph);".

(b) LIMITATION ON WAIVER AUTHORITY.—Notwithstanding any provision of section

1115 of the Social Security Act (42 U.S.C. 1315), or any other provision of law, the Secretary of Health and Human Services may not waive the requirements of section 1902(a)(46)(B) of such Act (42 U.S.C. 1396a(a)(46)(B)) with respect to a State.

(c) CONFORMING AMENDMENTS.—Section 1903 of such Act (42 U.S.C. 1396b) is amended—

- (1) in subsection (i)—
 - (A) in paragraph (20), by adding "or" after the semicolon;
 - (B) in paragraph (21), by striking "; or" and inserting a period; and
 - (C) by striking paragraph (22); and
- (2) in subsection (x)—
 - (A) by striking paragraphs (1) and (3);
 - (B) by redesignating paragraph (2) as paragraph (1);
 - (C) in paragraph (1), as so redesignated, by striking "paragraph (1)" and inserting "section 1902(a)(46)(B)"; and
 - (D) by adding at the end the following new paragraph:

"(2) In the case of an individual declaring to be a citizen or national of the United States with respect to whom a State requires the presentation of satisfactory documentary evidence of citizenship or nationality under section 1902(a)(46)(B), the individual shall be provided at least the reasonable opportunity to present satisfactory documentary evidence of citizenship or nationality under this subsection as is provided under clauses (i) and (ii) of section 1137(d)(4)(A) to an individual for the submittal to the State of evidence indicating a satisfactory immigration status."

SEC. 2. CLARIFICATION OF RULES FOR CHILDREN BORN IN THE UNITED STATES TO MOTHERS ELIGIBLE FOR MEDICAID.

Section 1903(x) of such Act (42 U.S.C. 1396b(x)), as amended by section 1(c)(2), is amended—

- (1) in paragraph (1)—
 - (A) in subparagraph (C), by striking "or" at the end;
 - (B) by redesignating subparagraph (D) as subparagraph (E); and
 - (C) by inserting after subparagraph (C) the following new subparagraph:
- "(D) pursuant to the application of section 1902(e)(4) (and, in the case of an individual who is eligible for medical assistance on such basis, the individual shall be deemed to have provided satisfactory documentary evidence of citizenship or nationality and shall not be required to provide further documentary evidence on any date that occurs during or after the period in which the individual is eligible for medical assistance on such basis); or"; and
- (2) by adding at the end the following new paragraph:

"(3) Nothing in subparagraph (A) or (B) of section 1902(a)(46), the preceding paragraphs of this subsection, or the Deficit Reduction Act of 2005, including section 6036 of such Act, shall be construed as changing the requirement of section 1902(e)(4) that a child born in the United States to an alien mother for whom medical assistance for the delivery of such child is available as treatment of an emergency medical condition pursuant to subsection (v) shall be deemed eligible for medical assistance during the first year of such child's life."

SEC. 3. EFFECTIVE DATE.

(a) RETROACTIVE APPLICATION.—The amendments made by this Act shall take effect as if included in the enactment of the Deficit Reduction Act of 2005 (Public Law 109-171; 120 Stat. 4).

(b) RESTORATION OF ELIGIBILITY.—In the case of an individual who, during the period that began on July 1, 2006, and ends on the date of enactment of this Act, was determined to be ineligible for medical assistance

under a State Medicaid program solely as a result of the application of subsections (i)(22) and (x) of section 1903 of the Social Security Act (as in effect during such period), but who would have been determined eligible for such assistance if such subsections, as amended by sections 1 and 2, had applied to the individual, a State may deem the individual to be eligible for such assistance as of the date that the individual was determined to be ineligible for such medical assistance on such basis.

[From the New York Times, June 5, 2006]

MEDICAID RULES TOUGHENED ON PROOF OF CITIZENSHIP

(By Robert Pear)

WASHINGTON, June 4.—The Bush administration plans this week to issue strict standards requiring more than 50 million low-income people on Medicaid to prove they are United States citizens by showing passports or birth certificates and a limited number of other documents.

The new standards follow a tussle with Congress. Federal health officials had considered giving states broad discretion to accept affidavits in place of official documents. But House Republicans complained, and the administration backed off, allowing affidavits “only in rare circumstances.”

The requirements, which take effect July 1, carry out a law signed by President Bush on Feb. 8.

They vividly illustrate how concern about illegal immigration is affecting domestic social welfare policy. The purpose of the law was to conserve federal money for citizens, reducing the need for states to cut Medicaid benefits or limit eligibility.

Gov. Rick Perry of Texas won enthusiastic applause at a state Republican convention on Friday when he vowed to increase border security and said, “Texas will start requiring every Medicaid applicant to verify that they are in the country legally in order to receive benefits.”

But officials in some other states and advocates for the poor said the new requirements could cause hardship for children, older Americans and poor people born at home in rural areas who never received birth certificates. Children account for about half of Medicaid recipients. People 65 and older account for about 10 percent.

Jennifer M. Ng'andu, a health policy specialist at the National Council of La Raza, a Hispanic rights group, said, “The documentation requirements will cause confusion about eligibility and will put up barriers to enrollment.”

In general, Medicaid is available only to United States citizens and to certain “qualified aliens.” Before the new standards, in many states, people who declared they were citizens did not have to support the claim.

But in a letter being sent this week to state officials, the Bush administration says, “Self-attestation of citizenship and identity is no longer an acceptable practice.”

In the law, Congress listed examples of documents that could be used to show citizenship, and it said the secretary of health and human services could “by regulation” specify other acceptable documents.

The main proponents of the new requirements were two Republican House members from Georgia, Representatives Charlie Norwood and Nathan Deal.

John E. Stone, a spokesman for Mr. Norwood, said Sunday: “Charlie provided feedback to the administration in the last two weeks to make sure the regulations would not undermine the intent of the law. Obviously you need some flexibility so that a 92-year-old woman with Alzheimer’s does not get kicked off Medicaid. What’s unacceptable

is for people to claim benefits or sign affidavits swearing they are citizens without any verification.”

In an interview Sunday, Dr. Mark B. McClellan, administrator of the Centers for Medicare and Medicaid Services, said, “We want to provide an effective way to document citizenship without placing excessive burdens on states or beneficiaries.”

In the letter to state Medicaid directors, the administration says, “An applicant or recipient who fails to cooperate with the state in presenting documentary evidence of citizenship may be denied or terminated” from the program.

The requirements will be enforced when a person applies for Medicaid or when eligibility is first recertified on or after July 1. In general, applicants and recipients will have 45 days to provide documents. People with disabilities will have 90 days.

States typically redetermine eligibility every 3 to 12 months. “Once citizenship has been proved, it need not be documented again” because it does not normally change, the administration said.

But the guidelines include a significant ambiguity: “An individual who is already enrolled in Medicaid will remain eligible if he or she showed a good-faith effort to present satisfactory evidence of citizenship and identity, even if this effort takes longer than 45 days.” The administration says that “beneficiaries will not lose benefits as long as they are undertaking a good-faith effort to provide documentation.”

States have a strong incentive to enforce the requirements. If they fail to do so, they can lose federal Medicaid money.

The guidelines say states should help people document citizenship, especially if they are homeless, mentally impaired or physically incapacitated and have no one to act on their behalf.

The guidelines list four categories of documents that can be used as evidence of citizenship, from the most reliable to the least trustworthy. The best evidence, they say, is a United States passport or a certificate of naturalization. The next category includes state and local birth certificates and State Department documents issued to children born abroad to United States citizens.

The third category consists of nongovernment documents showing place of birth. These include medical records from doctors, hospitals and clinics; nursing home admission papers; and records from life and health insurance companies.

The fourth category includes affidavits, which can be used “only in rare circumstances when the state is unable to secure evidence of citizenship” from other sources.

“An affidavit must be supplied by at least two individuals, one of whom is not related to the applicant or recipient,” the guidelines say. “Each must attest to having personal knowledge of the events establishing the applicant’s or recipient’s claim of citizenship. The individuals making the affidavit must be able to provide proof of their own citizenship and identity.”

People signing affidavits may also be asked “why documentary evidence of citizenship does not exist or cannot be readily obtained.”

[From the Birmingham News, Dec. 4, 2006]

MEDICAID RULES PUT PINCH ON POOR, LACK OF PROOF NEEDED FOR PLAN KEEPS MANY FROM HELP

(By Kim Chandler)

The four children in her office needed immunizations. But because their mother did not have their original birth certificates, and couldn’t buy a copy, the family could not enroll in Medicaid, Dr. Marsha Raulerson said.

The children did not get their shots.

During September and October, 1,600 low-income people, many of them children, were rejected by Alabama’s Medicaid program because of tougher federal rules. They require applicants to show an original birth certificate or a copy purchased from the state Health Department with a raised seal, plus a driver’s license or other proof of citizenship and identity when signing up for Medicaid benefits.

Many more people eventually could lose benefits if they can’t produce the necessary documents.

The new rules took effect July 1 and are part of the 2005 Deficit Reduction Act. Congress approved the law because of concern that illegal immigrants were signing up for Medicaid en masse. Instead of curbing widespread fraud, advocates argue, the new rules deter poor U.S. citizens from getting health coverage.

“Under the best of circumstances, many people would be surprised to have to produce documentation of their citizenship,” said Jim Carnes of Alabama Arise, an advocacy group for the poor.

Alabama Medicaid Commissioner Carol Herrmann-Steckel said the state is working hard to keep people on the Medicaid rolls. Unlike some other states, Alabama is not kicking current Medicaid recipients off the program if they do not possess the necessary documents. Under a provision called “reasonable assurance,” current Medicaid recipients are allowed to temporarily re-enroll. Medicaid beneficiaries must re-enroll every year.

“We are doing everything we can to verify citizenship. We want to be fair to the Alabamians who are on Medicaid,” Herrmann-Steckel said. However, federal government officials have not said how long the “reasonable assurance” period could last. The number of people who could lose Medicaid benefits would be “significant,” Herrmann-Steckel said.

Medicaid is a joint federal-state health care program for the poor and disabled, and it is a major provider of medical care in Alabama. Medicaid pays for the health care of nearly 1 million Alabamians, about 20 percent of the state’s population, Herrmann-Steckel said.

Advocates fear many poor people can no longer enroll in Medicaid because they cannot locate their birth certificate, or afford to buy a copy, and do not have the required proof of citizenship such as a photo ID.

The cost of obtaining a birth certificate is a challenge for many low-income people, Carnes said, as is transportation to present the documents. The state Department of Public Health charges \$12 to search for a birth certificate.

There is currently no way to tell if the 1,600 who were denied coverage were illegal immigrants or U.S. citizens without the proper documents. But anecdotal evidence from Medicaid workers suggests some were just poor American parents. Medicaid workers asked people who had been denied coverage why they didn’t have the proper paperwork.

“By and large the reason was, ‘I can’t afford to buy four birth certificates,’” said Lee Rawlinson, deputy Medicaid commissioner for beneficiary services.

Herrmann-Steckel said the state is doing everything possible to help Medicaid-eligible people obtain the documents.

The Department of Public Health has agreed to begin faxing Medicaid officials copies of birth certificates as a last resort for applicants who can’t obtain their own. The two agencies will split the cost.

Transportation also is a problem for some families, Carnes said. While people previously could renew their Medicaid status by

mail, the new rules require a trip to see a Medicaid eligibility worker in person.

"There are all sorts of barriers, particularly for people without transportation and who may not have had a documented birth to begin with," Carnes said.

Raulerson said she cares for a family in Monroe County that once had Medicaid benefits but, without a car, has not been able to renew their coverage.

Medicaid officials say they don't know how many Alabamians have lost their Medicaid benefits because they couldn't, or didn't, visit an eligibility worker.

The Alabama Medicaid Agency is also working with other state agencies, such as the Department of Mental Health and Mental Retardation, to see if they've already verified a person's citizenship, she said.

People who also receive Medicare, the health care program for seniors, or Supplemental Security Income for a disability were exempted from the requirements after state Medicaid officials from across the country complained that would be too burdensome.

Other states are struggling to comply as well.

California has yet to implement the new federal rules. Vermont and other states are phasing in the regulations. While the law was designed to cut down on Medicaid fraud by illegal immigrants, Herrmann-Steckel said she does not believe Alabama has a widespread problem of illegal aliens receiving Medicaid.

NEW MEDICAID RULES COULD COST STATE MILLIONS

(By John Hanna)

The state could face millions of dollars in additional costs because of federal rules requiring Medicaid recipients to verify their citizenship, Gov. Kathleen Sebelius said Wednesday.

Sebelius said she's worried the state will have to pick up the full cost of caring for some poor, frail and elderly Kansans who are living in nursing homes, instead of sharing the cost with the federal government. Also, she said, she will propose adding state employees to verify the citizenship status of Medicaid recipients and applicants.

The governor told reporters she hopes Congress reviews the issue and other attempts to prevent illegal immigrants from obtaining social services or using driver's licenses as identification.

"There was no input from the states on how realistic these were or what the cost was," Sebelius said during a brief news conference following an unrelated meeting.

Under Medicaid requirements that took effect July 1, recipients must provide either a passport or two other documents, such as a birth certificate and a driver's license, to verify citizenship.

While the measure is targeted at illegal immigrants, some advocates for the needy have worried that citizens will either lose or be denied services because they have trouble finding the necessary documents.

State officials say the number of Kansans covered by Medicaid dropped almost 7 percent since July 1, down to 253,000 from 271,000. They believe much of the decline can be attributed to the new requirements.

Typically, every \$1 the state spends on Medicaid is matched by about \$1.50 from the federal government. If someone loses their coverage, then the state faces paying the entire bill for their services, Sebelius said.

"You're at 100 percent state dollars or push them out the door," she said.

Also, Sebelius said, the state needs to "ramp up" its staffing to handle the additional verification work. The governor is working on the budget proposal she'll submit

to the 2007 Legislature, which convenes Jan. 8.

"We're certainly going to put some of them in place," she said. "We're trying to make a careful analysis of how many we need."

She said that if the state refuses to comply with the law, it could face the loss of all federal health care dollars.

"We don't have a lot of latitude to say we're not going to do this," she said. "There are literally hundreds of millions of dollars at stake."

Meanwhile, Sebelius expressed concern about a federal law on driver's licenses passed last year.

Starting in 2008, federal agencies won't treat a state's licenses as valid ID unless a state requires license applicants to document that they're living in the United States legally. Lack of ID could prevent someone from entering a federal building or boarding a plane.

Sebelius said the law will require local driver's licenses offices to certify that someone has the proper documentation and to store the information.

"Exactly how that's going to happen, we're not quite sure," Sebelius said. "We don't basically have any of the equipment that's required to do that in any of the rural areas."

THOUSANDS IN KANSAS OFF MEDICAID FOLLOWING CITIZENSHIP RULES

Thousands of low-income Kansans have lost or been denied state health care coverage because of new rules requiring them to prove they are American citizens, state officials say.

Since the federally mandated rules took effect July 1, the number of Medicaid recipients in Kansas has decreased by about 18,000, to 253,000. While officials can't determine exactly how much of the 7 percent drop can be attributed to the new rules, they believe much of it can.

"The impact to the consumer has been severe," said John Anzivino, a vice president for MAXIMUS, a Reston, Va., company that helps administer the joint federal-state Medicaid program in Kansas. "From our perspective, this has possibly been the most dramatic change and challenge to the Medicaid program since its inception."

The new rules were included in last year's federal deficit reduction law and were designed to prevent illegal immigrants from enrolling in the state programs providing health coverage.

But consumer advocates said many vulnerable people who legitimately were eligible for assistance would lose coverage because they couldn't produce the necessary documentation.

"We expect that many of these that have lost coverage will regain coverage once they have gathered and provided the necessary documentation," Marcia Nielsen, executive director of the Kansas Health Policy Authority, told the Lawrence Journal-World. "They will, however, experience a gap in coverage that could prove to be significant for some."

Medicaid applicants can prove their citizenship by providing a passport. Or they can provide other documents that verify both their citizenship, such as a birth certificate, and their identities, such as a driver's license.

Anzivino said most people seeking benefits don't have a passport and are left scrambling to find birth certificates and other documents.

The number of calls each month to a Kansas Medicaid clearinghouse has more than doubled to 49,000 from 23,000, official said.

Meanwhile, Rep. Dennis Moore, a Democrat whose district is centered on the state's

portion of the Kansas City area, said federal officials were aware of states' problems with the new rules and probably would work on it when the new Congress takes office in January.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 13—CONGRATULATING THE UNIVERSITY OF FLORIDA FOOTBALL TEAM FOR WINNING THE 2008 BOWL CHAMPIONSHIP SERIES (BCS) NATIONAL CHAMPIONSHIP

Mr. NELSON of Florida (for himself and Mr. MARTINEZ) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 13

Whereas on January 8, 2009, before a crowd of more than 78,000 fans in Miami, Florida, the University of Florida Gators won the 2008 Bowl Championship Series (BCS) national title with a stunning 24-14 triumph over the University of Oklahoma Sooners;

Whereas the University of Florida is one of the premier academic institutions in the State of Florida;

Whereas the University of Florida Gators captured the Southeastern Conference championship title on December 6, 2008;

Whereas University of Florida football Head Coach Urban Meyer has won 2 BCS national championship games in the past 3 years;

Whereas University of Florida quarterback Tim Tebow was named the Most Outstanding Player of the BCS national title;

Whereas Tim Tebow won the Maxwell Award for the second time in 2 years;

Whereas the University of Florida defense held the University of Oklahoma to only 363 yards of offense in the BCS championship game;

Whereas the Gators finished 2008 ranked first in the Associated Press Poll and first in the Coaches Poll;

Whereas the Gators finished the 2008 season with a record of 13-1;

Whereas the University of Florida student athletes are among the most talented in the Nation;

Whereas University of Florida fans worldwide supported and encouraged the Gators throughout the football season;

Whereas University of Florida President J. Bernard Machen and Athletic Director Jeremy N. Foley have shown great leadership in bringing success and glory to the University of Florida; and

Whereas the University of Florida students, faculty, alumni, and all Gator fans are deeply committed to bringing pride to the University of Florida and the entire State of Florida: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the University of Florida Gators for winning the 2008 Bowl Championship Series (BCS) national championship;

(2) recognizes the achievements of the players, coaches, students, and staff whose hard work and dedication helped the University of Florida Gators win the championship; and

(3) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to—

(A) the University of Florida for appropriate display;

(B) President of the University of Florida, J. Bernard Machen;

(C) Athletic Director of the University of Florida, Jeremy N. Foley; and

(D) Head Coach of the University of Florida football team, Urban Meyer.

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, January 15, 2009 at 2:30 p.m. in room 628 of the Dirksen Senate Office Building to conduct an oversight hearing on Job Creation and Economic Stimulus in Indian Country.

Those wishing additional information may contact the Indian Affairs Committee at 202-224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on January 13, 2009 at 10 a.m. to conduct a committee hearing on the nomination of Mr. Shaun Donovan to be Secretary of the U.S. Department of Housing and Urban Development.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on Tuesday, January 13, 2009, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building. At this hearing, the Committee will consider the nomination of Steven Chu, to be Secretary of Energy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, January 13, 2009, at 9:30 a.m., to hold hearing a nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate on January 13th, to conduct a hearing on the nomination of Mr. Arne Duncan, of Illinois, to be Secretary of Education. The hearing will commence at 10 a.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

LILLY LEDBETTER FAIR PAY ACT OF 2009—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. I now move to proceed to Calendar No. 14, S. 181, and send a cloture motion to the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 14, S. 181, the Lilly Ledbetter Fair Pay Act.

Jim Webb, Benjamin L. Cardin, Richard Durbin, Barbara Boxer, Dianne Feinstein, Jeff Bingaman, Mary L. Landrieu, Tom Harkin, Hillary Rodham Clinton, Charles E. Schumer, Sheldon Whitehouse, Christopher J. Dodd, Maria Cantwell, Debbie Stabenow, Patty Murray, Bernard Sanders, Barbara A. Mikulski, Harry Reid.

Mr. REID. Mr. President, I ask unanimous consent the mandatory quorum be waived.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. I now withdraw the motion.

The ACTING PRESIDENT pro tempore. The motion is withdrawn.

The Senator from New Jersey is recognized.

GAZA CONFLICT

Mr. LAUTENBERG. Mr. President, I rise to talk about the events that are in front of us and their significance. We are presently sharing in the excitement that surrounds this Capitol and our country at the prospect that President Obama will be taking office and leading this country in a positive fashion.

There is a lot of work to do and a lot of concerns have been brought to our attention. We are reminded by President-elect Obama that people are losing their jobs, and we cannot stand still and let it happen. Prospects are that maybe 500,000 new people a month will be out of work. The economy is fragile and there is not the capital around to get businesses started or to reverse the course we are on. And health care is of great concern to people who are uninsured and struggling.

At the same time that we are concerned about these things now in our own country, we have international responsibilities that we cannot ignore.

Even as excitement surrounds us here, inspired by the new President, we have to look away from our shores and see what is happening in the Middle East where there is fighting raging between Israel and Hamas. And even while we face domestic problems, we cannot step back from what is happening in the Middle East and the responsibility of America as the leading Nation on our globe. Although I bring this up with some degree of reluctance, we must discuss the situation that we face.

We know that governing is about choices. When we look at the Middle East right now, the choice for Israel is whether Israel steps aside and ignores the attacks on her people that come daily, without provocation.

We have all heard the opinion around the world about how awful the situation in the Middle East is. It is awful. It is terrible. When I see children hurt, when I see them killed, when I see families distressed as their economy worsens, it is a terrible sight.

I was in the Gaza Strip some years ago, bringing good news and financial assistance to the people of the Gaza as they opened a new airport. It was during the time that Arafat was President. There was hope springing up all around that maybe they could get out of the misery that existed in the Gaza Strip and develop an orderly society.

Israel is a democracy in an area of many nations that are less than democratic. When these economies flourish the wealth falls into a few hands, who build their buildings, take their resources, and buy bigger yachts and bigger airplanes for themselves and not for their countries. But there was hope that maybe the Gaza Strip would become a place of opportunity for its people. That is why I was so pleased to be there and to bring the promise of aid upon which we had agreed.

There was no Hamas there at that time. Now, Hamas is there making determinations about its future and the future of the people of the Gaza. Apparently the choice of Hamas is to continue the assault on Israel and to not let discussions take place. I am one of those people who support a two-state commitment there, knowing full well that Israel is a place that could share its knowledge and experience with the people of Gaza. But Hamas refuses to do that. It is a terrorist organization.

I remember a trip I took with several colleagues when we went to Iraq and on the way we stopped in Jordan and Syria, and we spoke to the President of Syria and I asked him to try to curb the activities of Hamas by securing the borders. I said: Why are you encouraging Hamas to find refuge here, have their headquarters here along with Hezbollah? President Asad said: They are a social service organization.

Social service—Mr. President, that is no more a social service organization than the people who attacked us on 9/11; than the people who attacked the British train system; than those who attack innocent people in various countries and cities.

Terrorism is at our throat. We have to be wary. It has changed the way our society functions. Look at all the inspections you go through if you want to catch an airplane or go into public buildings—always with an ID card. We know the results of terrorism. It is to destroy democratic society, take away the choices people have in their lives. It says women have to conduct themselves in a certain way satisfactory and

not have rights to participate in financial opportunities for themselves and their families.

And so we look at Hamas and have to ask: Does it really care about the people of Gaza or is it simply dedicated to its terrorist ways? For the answer we can review how Hamas conducts itself.

Once again, I, as a human being, as a person who cares about life and family, I am distressed to see the loss of life that is taking place in Gaza and in Israel. People are injured and frightened to go out of their homes—and yet even their home can be a place where misery prevails.

But Hamas has attacked Israel, firing rockets, and even now, when it is perhaps possible to get a cease-fire, they insist on continuing rocket firing.

We have seen the opinions of countries around the world as they look at this situation. Instead of just criticizing Israel, why isn't it said that Hamas is a terrorist organization that wants to take away people's rights, that wants to permit their innocent citizens to be used as decoys—in schools and mosques and other places—to try to hide the militants who are firing rockets into Israel?

Hamas starts by saying they don't recognize the right of the State of Israel to exist, but Israel has that right and shall defend that right. She has built a society from the sands, a society that flourishes, not just on the economic side, but on the scientific and research side. They have figured out how to grow crops in areas that were arid, and how to develop the technology that Israel is known for.

The practice of medicine is another thing that Israel is known for. There is a facility in Israel that I helped fund, in memory of my father who died as a very young man—43 years old—from cancer. There is a scientist who lived in New Jersey and was a professor at our principal institution, Rutgers University.

And he asked if I would help fund a laboratory and a facility there that did cancer research. I said yes. That was some time ago. I know they have Arab students there and they have Arab professors there and they all cooperate in helping people maintain good health. We have all seen stories in the paper about the young Arab child who came to Israel, brought by her father, to have a heart transplant. In this way Israeli science reaches out to people of all nations and all religions.

Israel has a right to exist, and a right to exist in peace, and would be more than willing to bring in the countries surrounding Israel to participate in programs for peace as it has with medicine. But there cannot be real peace without security. Israel is taking appropriate action to ensure the security of its people, and to ask them to do less is unfair.

It is impossible to say to them that if we had rockets falling on Boston, we would not respond or if we had rockets falling on Newark, NJ, we would not respond.

I can tell you, as a resident of New Jersey where we have a 2-mile strip that is said by the FBI to be the most dangerous 2-mile strip in the country for a terrorist attack, we are constantly on the alert. We have boats there, we have guards all over the place, and we make sure we are ready to defend ourselves.

Not only is Israel defending itself, as we would, against deadly aggression, it is also putting a stop to the psychological warfare that has become a daily part of life for the people in southern Israel. Innocent civilians live with constant fear that a rocket might kill them, their children, or destroy their home.

Israel, like the United States, is determined to protect and safeguard its people. After 9/11, America sought to eliminate threats to our country from Osama bin Laden and al-Qaida. Now Israel is seeking to eliminate threats from ongoing terrorist attacks.

We cannot kid ourselves about the strategy that Hamas used to gain power in Gaza. Hamas built up its image among the Palestinian people by painting itself as a social service provider. But if they really cared about the Palestinian people, they would not use them as human shields, and they would not use the rooftops of homes to launch rocket attacks.

The events of the past few weeks illustrate to the world that terrorist groups cannot be permitted to go on menacing the free world with terror attacks and there are no countries that are safe from this kind of assault.

Hamas has shown that it cares more about destruction than about improving the lives of the people of Gaza. Hamas leaders have chosen to ignore the fact that their people are suffering in poverty and instead have focused exclusively on hurting Israel.

So we ask Hamas: Stand up; show that you do care about your people and stop attacking Israel's citizens.

There will be tense days ahead in Israel and Gaza, and I am deeply concerned about the loss of innocent life, the pain of losing a family member, and injuries that may last for a lifetime.

To put a stop to the loss of innocent life, Hamas must come to its senses and pursue a cease-fire that is sustainable and durable.

Israel should be joined by nations around the world in pursuing a cease-fire because terror is ultimately possible in their own states and their own communities, whether it is in India, whether it is in France, whether it is in Spain, whether it is in the UK, or whether it is in America as we saw on 9/11.

There is only one way to bring real peace and real security to the Middle East: stop the rockets and get the people to the bargaining table.

Negotiations are being attempted with Egypt's active participation. We have to encourage these negotiations.

And it has to be very clear to Hamas and other terrorist organizations that

they are not going to win by killing people or by discouraging free thought and democratic values.

PROHIBITING THE SALE AND COUNTERFEITING OF PRESIDENTIAL INAUGURAL TICKETS

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of S. 60 and the Senate proceed to its immediate consideration.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 60) to prohibit the sale and counterfeiting of Presidential inaugural tickets.

There being no objection, the Senate proceeded to consider the bill.

Mr. LAUTENBERG. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (S. 60) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 60

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITION ON SALE AND COUNTERFEITING OF INAUGURAL TICKETS.

(a) IN GENERAL.—Chapter 25 of title 18, United States Code, is amended by adding at the end the following:

“§ 515. Prohibition on sale and counterfeiting of inaugural tickets

“(a) IN GENERAL.—It shall be unlawful for any person to—

“(1) except as provided in subsection (b), knowingly and willfully sell for money or property, or facilitate the sale for money or property of, a ticket to a Presidential inaugural ceremony;

“(2) with the intent to defraud, falsely make, forge, counterfeit, or falsely alter a ticket to a Presidential inaugural ceremony; or

“(3) with the intent to defraud, use, unlawfully possess, or exhibit a ticket to a Presidential inaugural ceremony, knowing the ticket to be falsely made, forged, counterfeited, or falsely altered.

“(b) EXCEPTION.—This section shall not apply to the sale for money or property, facilitation of such a sale, or attempt of such a sale, of a ticket to a Presidential inaugural ceremony—

“(1) that occurs after the date on which the Presidential inaugural ceremony for which the ticket was issued occurs; or

“(2) by an official presidential inaugural committee established on behalf of a President-elect of the United States.

“(c) PENALTY.—Whoever violates subsection (a) shall be fined under this title, imprisoned not more than 1 year, or both.

“(d) DEFINITION.—In this section, the term ‘Presidential inaugural ceremony’ means a public inaugural ceremony at which the President-elect or the Vice President-elect

take the oath or affirmation of office for the office of President of the United States or the office of Vice President of the United States, respectively.”.

(b) AMENDMENT TO CHAPTER ANALYSIS.—The chapter analysis for chapter 25 of title 18, United States Code, is amended by inserting at the end the following:

“515. Prohibition on sale and counterfeiting of inaugural tickets.”.

ORDERS FOR WEDNESDAY,
JANUARY 14, 2009

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. tomorrow, January 14; that following the prayer and pledge, the Journal of

proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that the Senate then resume consideration of S. 22, the lands bill, with time until 10:30 a.m. divided equally and controlled between the two leaders or their designees; and that the cloture vote with respect to S. 22 occur at 10:30 a.m.

I further ask that the filing deadline for second-degree amendments be 10 a.m. tomorrow.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PROGRAM

Mr. LAUTENBERG. Mr. President, the manager of the bill was unable to reach an agreement to consider amendments today. As a result of this impasse, the Senate will proceed to a cloture vote on the bill at 10:30 tomorrow.

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

Mr. LAUTENBERG. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:38 p.m., adjourned until Wednesday, January 14, 2009, at 9:30 a.m.